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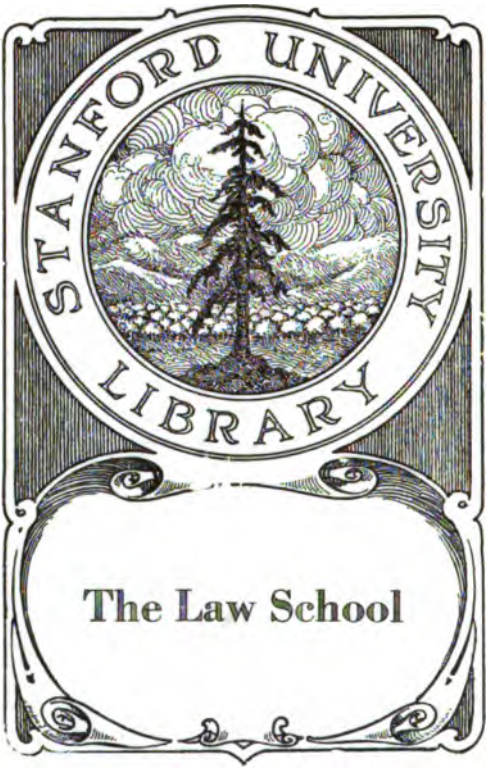
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ACTS OF A GENERAL NATURE,

PASSED BY THE

FORTY FIRST GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS,

COMMENCING

DECEMBER 5, 1842,

AND

IN THE FORTY FIRST YEAR OF SAID STATE.

VOL. XLI.

COLUMBUS:

SAMUEL MEDARY, STATE PRINTER.

1843.

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ACTS OF A GENERAL NATURE.

AN ACT

To amend the act entitled "An act to amend the act to establish a Court in Bank, and regulate its practice," passed February 28, 1842.

Reporter to prepare former decisions for publication.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the present reporter for the court in bank, to obtain from the late reporter, and the judges of the supreme court, the papers in such cases decided in the court in bank, at the December term, 1841, as have not been published, and prepare the same for publication as soon as practicable, and he shall receive such compensation therefor, as the judges of said court shall certify to be proper.

Secretary of state to receive certain copies of Wilcox's reports.

SEC. 2. That the secretary of state be hereby authorized and required to receive, on behalf of the state, the usual number of copies of the second number of reports published by P. B. Wilcox, Esq., at the price prescribed by the act to which this is an amendment, and dispose of the same in the manner prescribed by said act.

Style of publication and disposition of reports.

SEC. 3. That said reports shall be published in the same size, and in style and manner, similar to the volume published by the late reporter, and shall be put up in covers, or bound, as may be most convenient for sale; and after the usual number shall be furnished for the state library and each county, and a sufficient additional number to the state librarian, to enable him to exchange with the other states of the Union, the residue shall be placed under the direction of the reporter for sale, upon his giving bond to the satisfaction of the governor, conditioned for his accounting and paying into the state treasury, annually, the proceeds of sale. That section four of the act to which this is an amendment, and all other and parts of acts conflicting herewith, are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

December 20, 1842.

AN ACT

To extend the time of payment to purchasers of School Lands in this State.

Extension of time for payment.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time of making payment by all purchasers, their heirs, assigns, or legal representatives of the Virginia Military School Land, and of school section sixteen, and of all lands substituted by Congress in lieu of section sixteen, throughout this state, of the respective instalments now due, or to become due thereon, before the first day of January, one thousand eight hundred and forty five, be and the same is hereby extended until that time; provided that said purchaser, his heirs, assigns, or legal representatives, shall, annually, pay to the proper officer, as the law directs, the interest on the balance of the purchase money remaining unpaid; provided, also, that if any of the purchasers, their heirs, assigns, or legal representatives, shall fail to pay the interest as required, all the benefits and privileges intended by this act to said purchasers, their heirs, assigns, or legal representatives, shall cease and determine.

Penalty for destroying timber, &c.

SEC. 2. That if any purchaser, his or her heirs, assigns or legal representatives, shall sell or destroy any timber growing upon said land, or dispose of any stone, iron ore, coal or other mineral productions, except such as may be unavoidably destroyed in the ordinary mode of clearing wood lands, and for the necessary buildings and fences on said lands, and for their fuel, then all the privileges granted by this act shall cease.

SEC. 3. Nothing in this act shall be so construed as to prevent the purchasers of school lands from paying the whole amount which he, she, or they may owe, with the interest thereon, at any time any instalment may become due.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 3, 1843.

AN ACT

To amend an act entitled, "An act prescribing the duties of County Treasurers, passed March 12, 1831."

Duty of county treasurer.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county treasurer of each county shall hereafter attend at his office, at the seat of justice, until the twentieth of December, for the purpose of receiving taxes.

Penalty for failure to pay taxes.

SEC. 2. That if any person shall fail to pay the taxes charged to him, her, or them, by the twentieth of December, next after the same becomes due, such person or persons may pay the same at any time before the treasurer shall distrain any property for the payment of such taxes, but may be charged with five per centum thereon for the use of the treasurer.

Treasurer not to distrain goods until 20th Dec.

SEC. 3. That the county treasurer shall not distrain any goods or chattels for the nonpayment of taxes, until after the twentieth of December, next after such taxes become due.

Sales of lands—when to be made.

SEC. 4. That all sales of lands, for delinquent taxes, shall hereafter be made on the second Monday of January, and shall in all things be governed by the laws now in force providing for the sale of land, where the taxes are not paid, except as to time; provided that this section shall not interfere with the sales of the year one thousand eight hundred and forty two, which sales shall be made in accordance with laws now in force.

Time for settlement of county treasurer, &c.

SEC. 5. That the county treasurer shall, annually, on or before the fifteenth day of January, make settlement with the auditor of his county, and, on the first Monday of February, pay over to the treasurer of state all moneys by him received for state purposes, agreeably to the certificate of settlement with the auditor of his county, and take duplicate receipts for the money so paid, one of which he shall deposit with the auditor of state.

Penalty for neglect, on the part of county treasurer, to settle.

SEC. 6. That if any county treasurer shall fail to make settlement with the treasurer of state, within ten days of the time herein prescribed, he shall forfeit and pay the sum of one hundred dollars, in addition to the penalties now provided by law, to be recovered in an action of debt in any court having competent jurisdiction, which forfeiture shall be paid into the state treasury to the credit of the common school fund; provided that the auditor of state may, for good cause shown, remit said penalty.

Repeal.

SEC. 7. That all acts and parts of acts, inconsistent with this act, be and they are hereby repealed.

SEC. 8. The auditor of state shall forward a copy of this act to each county treasurer and county auditor in the state, immediately after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 3, 1843.

AN ACT

Making certain appropriations therein specified.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums of money be and they are hereby appropriated, to be paid out of any moneys in the treasury not otherwise appropriated:

For the payment of the general assembly, their clerks, doorkeepers, and messengers, the sum of ten thousand dollars;

For the payment of postage for the Ohio legislature, two thousand dollars;

For the payment of the state printer, six thousand dollars;

For the transportation, storage, and cleaning of public arms, five hundred dollars.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 3, 1843.

AN ACT

To amend an act entitled "An act relating to dower," passed January 28th, 1823. [1824]

How commissioners and court shall proceed in the assigning of dower.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners appointed by the court to set off and assign dower to any widow who may have petitioned for the same, in any cause which now is, or hereafter may be, pending, shall, after they have set off and assigned dower, make a just and true appraisement of the yearly value (after deducting necessary expenses,) of the real estate in which said widow is entitled to dower, estimating such value from the day of filing such petition, to the day of assignment of dower, and make return of such appraisement and assignment of dower; and the court shall decree the payment of one third of the whole sum, so returned to said widow, out of the said real estate not covered by her dower; upon which decree execution may issue, as upon a judgment at law; provided, that nothing herein contained shall be so construed as to require execution to be issued against such of the defendants in dower as are minors; but, in all such cases, said dower shall operate as a lien upon said real estate, for their proportion of said decree, until the same shall be fully paid.

Improvements not included, except, &c.

SEC. 2. That said commissioners, in making said appraisement of the yearly value of said real estate, shall exclude all permanent or valuable improvements made thereon after the husband of said widow ceased to be the owner thereof.

SEC. 3. That if resistance be made to the petition of a widow claiming dower in real estate, and the court shall find that such widow is entitled to dower, as claimed in the petition, the defendant or defendants, so resisting, shall be required to pay all the costs of suit; but if no resistance be made to said petition, the widow shall pay one third, and the legal owner of said real estate shall pay the remaining two thirds of the costs which may accrue.

If resistance is made to petition in dower, defendants to pay costs.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

Fixing the times of holding the Supreme Court of Ohio, for the year 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supreme court shall be holden, in the several counties in this state, at the times hereafter mentioned, to wit:

In the county of Columbiana, on the twenty seventh day of February;
In the county of Jefferson, on the second day of March;
In the county of Belmont, on the sixth day of March;
In the county of Washington, on the tenth day of March;
In the county of Meigs, on the thirteenth day of March;
In the county of Gallia, on the fifteenth day of March;
In the county of Lawrence, on the eighteenth day of March;
In the county of Scioto, on the twentieth day of March;
In the county of Adams, on the twenty third day of March;
In the county of Brown, on the twenty seventh day of March;
In the county of Clermont, on the thirtieth day of March;
In the county of Hamilton, on the third day of April;
In the county of Butler, on the first day of May;
In the county of Warren, on the fourth day of May;
In the county of Clinton, on the eighth day of May;
In the county of Highland, on the tenth day of May;
In the county of Fayette, on the thirteenth day of May;
In the county of Madison, on the fifteenth day of May;
In the county of Clark, on the seventeenth day of May;
In the county of Greene, on the nineteenth day of May;
In the county of Montgomery, on the twenty second day of May;

In the county of Preble, on the fifth day of June;
In the county of Darke, on the seventh day of June;
In the county of Miami, on the ninth day of June;
In the county of Shelby, on the twelfth day of June;
In the county of Mercer, on the fifteenth day of June;
In the county of Allen, on the seventeenth day of June;
In the county of Hardin, on the nineteenth day of June;
In the county of Logan, on the twenty first day of June;
In the county of Champaign, on the twenty third day of June;
In the county of Union, on the twenty sixth day of June;
In the county of Delaware, on the twenty seventh day of June;
In the county of Marion, on the twenty ninth day of June;
In the county of Crawford, on the first day of July;
In the county of Seneca, on the third day of July;
In the county of Hancock, on the fifth day of July;
In the county of Putnam, on the seventh day of July;
In the county of Vanwert, on the tenth day of July;
In the county of Paulding, on the twelfth day of July;
In the county of Williams, on the fourteenth day of July;
In the county of Henry, on the seventeenth day of July;
In the county of Lucas, on the nineteenth day of July;
In the county of Wood, on the twenty first day of July;
In the county of Sandusky, on the twenty fourth day of July;
In the county of Erie, on the twenty seventh day of July;
In the county of Ottawa, on the thirty first day of July;
In the county of Huron, on the second day of August;
In the county of Lorain, on the fifth day of August;
In the county of Cuyahoga, on the seventh day of August;
In the county of Geauga, on the twenty first day of August;
In the county of Lake, on the twenty sixth day of August;
In the county of Ashtabula, on the thirty first day of August;
In the county of Trumbull, on the fourth day of September;
In the county of Portage, on the eleventh day of September;
In the county of Summit, on the fourteenth day of September;
In the county of Medina, on the sixteenth day of September;
In the county of Wayne, on the eighteenth day of September;
In the county of Richland, on the twenty first day of September;
In the county of Knox, on the twenty eighth day of September;
In the county of Licking, on the fourth day of October;
In the county of Coshocton, on the ninth day of October;
In the county of Holmes, on the eleventh day of October;
In the county of Tuscarawas, on the thirteenth day of October;

In the county of Stark, on the sixteenth day of October;
In the county of Carroll, on the nineteenth day of October;
In the county of Harrison, on the twenty first day of October;
In the county of Monroe, on the twenty third day of October;
In the county of Guernsey, on the twenty seventh day of October;
In the county of Muskingum, on the thirtieth day of October;
In the county of Morgan, on the third day of November;
In the county of Perry, on the ninth day of November;
In the county of Fairfield, on the eleventh day of November;
In the county of Hocking, on the sixteenth day of November;
In the county of Athens, on the eighteenth day of November;
In the county of Jackson, on the twentieth day of November;
In the county of Pike, on the twenty second day of November;
In the county of Ross, on the twenty fourth day of November;
In the county of Pickaway, on the twenty ninth day of November;
In the county of Franklin, on the first day of December;

And the court in bank shall be holden on the fourth day of December; and the said court is hereby authorized, when business shall require it, to continue its term, in any county, beyond the time allotted for holding court in such county. Court in Bank; when to be holden.

Sec. 2. That if the commencement of any term of said court shall be on Sunday, such term shall commence on the next day thereafter. Provision as to Sunday.

Sec. 3. That the act passed February twenty third, one thousand eight hundred and forty two, entitled "an act fixing the times of holding the supreme court for one thousand eight hundred and forty two," is hereby repealed. Act repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To amend the act entitled, "An act regulating judgments and executions," passed March 4, 1842; and further to amend the act entitled, "An act defining the powers and duties of justices of the peace, and constables, in civil cases."

Property to be appraised, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That before any sheriff, constable, or other officer, shall hereafter proceed to sell any goods or chattels, upon any writ of execution, issued in a civil case, order upon attachment or decree, such sheriff, constable, or other officer, if required, two days before the day of sale, by the person against whom such execution, order, or decree, shall have been issued, his agent or attorney, shall summon an inquest of three respectable householders, residents of the county, and administer to them an oath or affirmation, impartially to appraise said goods and chattels, and the said householders shall proceed to make a schedule of the property so levied, which schedule they, or a majority of them, shall sign, and forthwith deliver to said officer; and such goods and chattels shall not be sold for less than two thirds the appraised value thereof.

Mode of proceeding, &c.

Fees of appraisers.

SEC. 2. That each householder, acting as appraiser under this act, shall be allowed and receive for his services at the rate of fifty cents per day, for the actual time which he may be required to perform the duty of appraiser as aforesaid, to be charged as costs, and collected upon the execution; provided the same be indorsed upon their return of the appraisment, and not otherwise.

Appraisers failing to officiate to be fined, &c.

SEC. 3. If any householder, summoned to act as appraiser, as aforesaid, shall fail to appear at the time and place appointed by the officer, and discharge his duty as such appraiser, he shall, on complaint, before any justice of the peace of the township in which such delinquent householder may reside, forfeit and pay the sum of fifty cents for every such neglect, which sum shall be, by such justice of the peace, collected and paid into the township treasury, for the use of the township; provided such justice may receive from such delinquent householder such excuse for his delinquency as he may deem reasonable.

When goods not sold for want of bidders how to proceed.

SEC. 4. That when any goods or chattels, levied and appraised, as aforesaid, shall not be sold for two thirds of the appraised value, it shall be lawful for the officer, holding such execution, to return upon the same, "not sold for want of bidders;" and such officer shall deliver such unsold goods and chattels to the person against whom execution had issued, as aforesaid, upon his giving bond, with sufficient surety, resident in the county, to the satisfaction of the said officer, conditioned that the said debtor in execution will deliver, at the time and place of the next sale, to the officer having in his hands an execution upon the same judgment, the goods and chattels to him restored, or other goods and chattels of equal value, to be se-

lected by said officer, which shall be determined by an inquest of three householders, as hereinbefore pointed out, which bond shall be made payable to the other party in the execution, and shall be returned, with the writ of execution, to the court or justice from which execution issued.

When goods restored, how to proceed if not sufficient to satisfy execution.

SEC. 5. That when the goods and chattels, levied by virtue of any execution issued from any court of record, shall be restored to the debtor, under the provisions of this act, and it shall appear, by the return of the appraisers to the officer, that the same are insufficient, at two thirds the appraised value thereof, to satisfy the execution, it shall be the duty of the officer to indorse that fact on the execution, and, forthwith, proceed, if such officer be the sheriff or coroner, to levy such execution upon other goods and chattels of the debtor, and for want thereof, the lands and tenements of the debtor in execution, and proceed thereon as in other cases of levy upon real estate; and if further goods and chattels should be levied on, the same shall be appraised, and other proceedings be had in relation thereto, as provided by this act in other cases.

Debtor failing to give bond, how to proceed.

SEC. 6. That if the debtor in execution shall fail to give bond and surety, as before provided, immediately after it is ascertained that the goods and chattels will not sell for two thirds the appraised value thereof, it shall then be the duty of the officer forthwith to return upon the execution, "not sold for want of bidders," and said goods and chattels shall be subject to be sold at any time thereafter, upon a writ of venditioni exponas, as in other cases; provided, the same shall not be sold for less than two thirds of the appraised value.

Goods restored to debtor afterwards to be sold.

SEC. 7. All goods and chattels redelivered to the judgment debtor, may be sold, at any time thereafter, at two thirds of the appraised value, upon a writ of venditioni exponas, and, if remaining unsold, the officer shall make the proper return upon the execution, and deliver such goods and chattels to the judgment debtor. And the bond, previously taken for the delivery of the goods to the officer, shall be valid and binding as to any subsequent delivery thereof to such officer, unless a surety on such bond shall object thereto, in which case, the officer shall require the debtor again to give bond, as provided in the fourth section of this act, and if such bond shall not be given, the property shall remain in the custody of the officer.

When goods not sold after being three times offered, how to proceed.

SEC. 8. After such goods and chattels shall have been offered three times, and shall remain unsold, at two thirds of the appraised value, the judgment creditor shall be entitled to have the property revalued, provided he shall make demand therefor to the officer two days before the subsequent day of sale; which revaluation shall be made in accordance with the pro[illegible]ions of the first section of this act.

When cost to be paid by creditor.

[illegible] 9. All executions, orders, and decrees, which shall be [illegible]e sale of goods and chattels, which shall have been [illegible]foresaid, subsequently to, and within six months [illegible]e second venditioni exponas, and the proceed-

ings thereon, except the poundage, shall be at the cost of the judgment creditor.

Execution not to issue except by direction of creditor.

SEC. 10. No execution shall issue for the sale of goods and chattels, which shall have been appraised on execution, except by direction of the judgment creditor, his agent or attorney.

When goods held by debtor on bond not delivered, how to proceed.

SEC. 11. That if the debtor in execution shall not, at the time specified in the condition of the bond, deliver to the proper officer, the goods and chattels to him restored, as aforesaid, or other goods and chattels of equal value, as aforesaid, the condition of said bond shall be considered broken, and the creditor in execution may sue out of any court, having jurisdiction, a writ of scire facias against the debtor in execution and his sureties, to show cause why execution should not be awarded against them, for the amount due upon said previous judgment and costs; and upon the return of said writ of scire facias, "served," or two writs returned "nihil," the court, or justice, if it appear that the condition of the bond has been broken, and that the judgment remains unsatisfied, shall, upon motion, without continuance, award execution for the amount due on said judgment, and interests and costs, together with the costs of said scire facias against said judgment debtor and his sureties; upon which execution there shall be neither stay nor appraisement of personal property.

Parts of former act repealed.

SEC. 12. That so much of the act to which this is an amendment, as conflicts with this act, be and the same is hereby repealed.

When to take effect, &c.

SEC. 13. This act shall take effect and be in force from and after its passage, and shall remain in force until the first day of March, one thousand eight hundred and forty five.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

AN ACT

To authorize and require the recording of the bonds of certain Public Officers.

Bonds of certain officers to be recorded.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That every county treasurer, county auditor, and clerks of the courts of common pleas, in this state, shall hereafter record, in a book to be by each of them kept for that purpose, all bonds of public officers, which heretofore have been, or may hereafter be, lodged with them for safe keeping; and an authenticated transcript of the record of any such bond shall be taken and held, in all courts and places in this state, as conclusive evidence of such record, and prima facie evidence of the execution and existence of such bond.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

AN ACT

To repeal the act entitled "An act relating to fugitives from labor or service from other States," passed February 26, 1839.

Proceedings pending, &c., not affected by this act.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act relating to fugitives from labor or service from other states," passed February twenty six, one thousand eight hundred and thirty nine, be and the same is hereby repealed, provided that nothing herein contained shall in any manner affect any prosecution, or proceeding in court, instituted and now pending under the provisions of said act, for which purposes the same shall continue and remain in force.

SEC. 2. That the second section of the act entitled "an act to prevent kidnapping," passed February fifteen, one thousand eight hundred and thirty one, be and the same is hereby revived.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

AN ACT

To amend an act entitled "An act further to amend the act entitled 'An act providing for the appointment of a Board of Bank Commissioners, and for the regulation of the Banks within the State of Ohio, passed February 25, 1839, and enforce the resumption and continuance of specie payments by the Banks within the State of Ohio,' passed February 18, 1842."

Court prohibited from making allowance to clerk, agent, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no court, in allowing the necessary expenses of settling the affairs of any bank, as provided for in the twenty second section of the act to which this is an amendment, or any other act, shall make an allowance to the receivers or special commissioners of any bank, appointed under authority of said act, or any other act, or to any clerk or any other agent appointed by said receivers or commissioners, of any annual salary whatever; but each special commissioner or receiver shall be entitled to receive only a reasonable and fair compensation in proportion to the services by him actually performed, which compensation, as well as all other expenses incident to closing the affairs of such bank, shall be carefully audited by the court of common pleas of the proper county, whose duty it shall be to allow or disallow the same; and any person interested therein, and dissatisfied with the order of such court, may cause the proceedings thereon to be certified to the supreme court of such county, by entering a request therefor, on the journals of said court of common pleas, within ten days after the entry of such order; and the decision of the supreme court shall be final in the premises. And any annual salary or compensation, which may have been heretofore allowed to any special commissioner, receiver, clerk or agent, shall cease, and be determined from and after the passage of this act; provided the gross amount allowed to all the special commissioners, or receivers of any bank, during the time fixed by law for closing its affairs, and including the contingent expenses of clerk hire, office rent, and stationery, shall not exceed the sum of four thousand dollars, unless, in the opinion of the court of common pleas, or supreme court, aforesaid, a further allowance shall be deemed necessary and proper, in order to a full and satisfactory settlement of the affairs of said bank; but in no case shall the gross amount of compensation, allowed to all the special commissioners or receivers of any bank, including clerk hire, office rent, and stationery, as aforesaid, be more than at the rate of two thousand dollars per annum.

Charges of special commissioners, &c.; how to be settled.

Amount of salary and clerk hire.

Special commissioners to sell real estate, &c.

SEC. 2. That the special commissioners or receivers who may have been, or may hereafter be appointed under laws of this state to close the affairs of any banking institution, whose assets are sufficient to pay its liabilities, be and they are hereby authorized and empowered to sell at public sale, and to the best advantage, after sixty days public notice, any or all of the real estate or other assets of such banking institution, so far as may be necessary to settle its liabilities, receiving therefor the bills of such bank, which sales, before they shall be of any validity,

shall be reported to the court of common pleas, and by said court duly confirmed.

How to proceed when banks are prepared to resume business, &c.

SEC. 3. That the court of common pleas of any county, before whom proceedings shall have been commenced, against any banking institution, on the relation of the bank commissioners, may dismiss such proceedings on application in writing of any two of the bank commissioners, such application setting forth that an examination has been made into the condition of the bank, and that said bank is able and ready to resume specie payments, and to continue to pay specie on all its issues.

When judges divided in opinion, clerk to certify proceedings to supreme court.

SEC. 4. That when any report has been, or shall hereafter be made to the court of common pleas, under this act, or the act to which this is an amendment, and the doings of the special commissioners or receivers, and agents, as therein contained, shall not be confirmed in consequence of a division of opinion among the judges, or other cause, it shall be the duty of the clerk of said court of common pleas, forthwith, to certify such proceedings to the supreme court of the proper county, who shall proceed to hear and determine the same agreeably to the provisions of said acts; and the decision of the supreme court shall be final in the premises.

SEC. 5. That all parts of acts heretofore passed, inconsistent with the provisions of this act, be and the same are hereby repealed; this act to take effect from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

Further to amend an act entitled "An act for the relief of Insolvent Debtors," passed February 28, 1834.

Reappraisal of real estate.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where real estate has been, or may hereafter be assigned or conveyed to the commissioner of insolvents of any county in this state, and appraised, advertised and offered for sale, and not sold for want of bidders, said commissioner may cause said real estate to be reappraised, and sold according to the law now in force regulating such sales.

SEC. 2. This act to take effect and be in force from and after the passage thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

Fixing the times of holding the Courts of Common Pleas.

Courts for first circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Court of Common Pleas shall be held in the first circuit—

In the county of Preble, on the seventh day of March, twenty seventh day of June, and eleventh day of October;

In the county of Miami, on the twenty first day of March, first day of August, and twenty fourth day of October;

In the county of Montgomery, on the fourth day of April, fifteenth day of August, and twenty eighth day of November;

In the county of Darke, on the ninth day of May, fifth day of September, and seventh day of November;

In the county of Shelby, on the sixteenth day of May, twelfth day of September, and fourteenth day of November;

In the county of Mercer, on the thirtieth day of May, nineteenth day of September, and twenty first day of November.

Second circuit.

SEC. 2. That the Court of Common Pleas shall be held in the second circuit—

In the county of Huron, on the twenty seventh day of February, the first day of June, and the ninth day of October;

In the county of Erie, on the seventh day of March, the twelfth day of June, and the twenty third day of October;

In the county of Ottawa, on the fourteenth day of March, and the thirtieth day of October;

In the county of Sandusky, on the twentieth day of March, and the sixth day of November;

In the county of Seneca, on the third day of April, and the thirtieth day of November;

In the county of Crawford, on the tenth day of April, the twenty seventh day of June, and the second day of October;

In the county of Marion, on the seventeenth day of April, the twelfth day of July, and the twenty first day of November.

Third circuit.

SEC. 3. That the Court of Common Pleas shall be held in the third circuit—

In the county of Summit, on the fourteenth day of February, the twenty ninth day of May, and the nineteenth day of September;

In the county of Portage, on the twenty eighth day of February, the twelfth day of June, and the third day of October;

In the county of Ashtabula, on the twenty first day of March, the twenty sixth day of June, and the seventeenth day of October;

In the county of Trumbull, on the fourth day of April, the third day of July, and the thirty first day of October.

Fourth circuit.

SEC. 4. That the Court of Common Pleas shall be held in the fourth circuit—

In the county of Muskingum, on the twenty seventh day of February, the first day of May, and the sixth day of September;

In the county of Coshocton, on the twentieth day of March, the twenty second day of May, and the sixteenth day of October;

In the county of Perry, on the fourth day of April, twelfth day of June, and the twenty fifth day of September;

In the county of Licking, on the twenty ninth day of May, the fourteenth day of August, and the sixth day of November.

Fifth circuit. SEC. 5. That the Court of Common Pleas shall be held in the fifth circuit—

In the county of Tuscarawas, on the sixth day of March, fifth day of June, and the twenty fifth day of September;

In the county of Carroll, on the twentieth day of March, the twelfth day of June, and ninth day of October;

In the county of Columbiana, on the fourth day of April, the twenty first day of August, and the thirtieth day of October;

In the county of Stark, on the seventeenth day of April, fourth day of September, and thirteenth day of November.

Sixth circuit. SEC. 6. That the Court of Common Pleas in the sixth circuit shall be held—

In the county of Ross, on the tenth day of April, the nineteenth day of June, and the second day of October;

In the county of Fairfield, on the twenty seventh day of February, the twenty ninth day of May, and the eleventh day of September;

In the county of Pike, on the twenty fourth day of April, the twenty fourth day of July, and the sixth day of November;

In the county of Jackson, on the first day of May, the thirty first day of July, and the thirtieth day of October;

In the county of Hocking, on the twentieth day of March, the seventh day of August, and the twenty third day of October;

In the county of Pickaway, on the twenty seventh day of March, the twelfth day of June, and the eighteenth day of October.

Seventh circuit. SEC. 7. That the Court of Common Pleas in the seventh circuit shall be held—

In the county of Greene, on the third Monday of February, the last Monday in May, and the second Monday of September;

In the county of Butler, on the first Monday of March, the second Monday of June, and the fourth Monday of September.

In the county of Warren, on the last Monday of March, the third Monday of August, and the second Monday of November;

In the county of Clinton, on the third Monday of April, the third Monday of July, and the fourth Monday of October.

Eighth circuit. SEC. 8. That the Court of Common Pleas in the eighth circuit shall be held—

In the county of Athens, on the twenty seventh day of February, the nineteenth day of June, and the second day of October;

In the county of Scioto, on the twenty third day of March, the tenth day of July, and the sixteenth day of October;

In the county of Lawrence, on the third day of April, the seventeenth day of July, and twenty third day of October;

In the county of Gallia, on the tenth day of April, the twenty seventh day of July, and the thirtieth day of October;

In the county of Meigs, on the seventeenth day of April, the thirty first day of July, and the sixth day of November;

In the county of Washington, on the twenty fourth day of April, the seventh day of August, and the thirteenth day of November;

In the county of Morgan, on the thirteenth day of March, the fourteenth day of August, and the twentieth day of November.

Sec. 9. That the Court of Common Pleas in the tenth circuit shall be held—

Tenth circuit. In the county of Adams, on the first Tuesday of March, the third Tuesday of July, and the fourth Tuesday of September;

In the county of Highland, on the second Tuesday of March, the fourth Tuesday of July, and the first Tuesday of October;

In the county of Fayette, on the fourth Tuesday of March, the second Tuesday of August, and the third Tuesday of October;

In the county of Clermont, on the second Tuesday of April, the fourth Tuesday of August, and the last Tuesday in October;

In the county of Brown, on the first Tuesday of May, the second Tuesday of September, and the third Tuesday of November.

Sec. 10. That the Court of Common Pleas in the eleventh circuit shall be held—

Eleventh circuit. In the county of Holmes, on the twenty second day of February, on the fifteenth day of May, and on the eleventh day of September;

In the county of Wayne, on the sixth day of March, on the twenty second day of May, and on the twenty eighth day of September;

In the county of Medina, on the twentieth day of March, on the fifth day of June, and on the twelfth day of October;

In the county of Knox, on the twenty eighth day of March, on the nineteenth day of June, and on the twenty third day of October;

And, in the county of Richland, on the seventeenth day of April, the fourteenth day of August, and the sixth day of November.

Sec. 11. That the Court of Common Pleas, in the twelfth circuit, shall be held—

Twelfth circuit. In the county of Franklin, on the twenty first day of February, the ninth day of May, and the twenty first day of September;

In the county of Madison, on the seventh day of March, the twenty third day of May, and the twelfth day of September;

In the county of Clark, on the fourteenth day of March, the thirtieth day of May, and the nineteenth day of September;

In the county of Delaware, on the twenty first day of March, the ninth day of June, and the sixth day of October;

In the county of Champaign, on the fourth day of April, the sixteenth day of August, and the twenty fourth day of October;

In the county of Logan, on the twenty fifth day of April, the twenty third day of August, and the second day of November;

And, in the county of Union, on the eighteenth day of April, the fifth day of July, and the eighteenth day of October;

Sec. 12. That the Court of Common Pleas, in the thirteenth circuit, shall be held—

Thirteenth circuit.

In the county of Wood, on the thirteenth day of March, and the sixteenth day of October;

In the county of Lucas, on the twentieth day of March, the fifth day of June, and the twenty third day of October;

In the county of Henry, on the third day of April, and the sixteenth day of September;

In the county of Williams, on the tenth day of April, and the eleventh day of September;

In the county of Paulding, on the seventeenth day of April, and the eighteenth day of September;

In the county of Putnam, on the twenty fourth day of April, and the twentieth day of September;

In the county of Vanwert, on the first day of May, and the twenty fifth day of September;

In the county of Allen, on the eighth day of May, and the twenty eighth day of September;

In the county of Hardin, on the fifteenth day of May, and the fourth day of October;

In the county of Hancock, on the twenty second day of May, and the eleventh day of October.

Sec. 13. The Court of Common Pleas, in the fourteenth circuit, shall be held—

Fourteenth circuit.

In the county of Lorain, on the seventh day of February, the ninth day of May, and the nineteenth day of September;

In the county of Cuyahoga, on the twenty first day of February, the twenty third day of May, and the thirty first day of October;

In the county of Lake, on the fourteenth day of March, the thirteenth day of June, and the third day of October;

In the county of Geauga, on the twenty eighth day of March, the twenty seventh day of June, and the seventeenth day of October.

Sec. 14. The Court of Common Pleas, in the fifteenth circuit, shall be held—

Fifteenth circuit.

In the county of Belmont, on the thirteenth day of March, the fifth day of June, and the eleventh day of September;

In the county of Monroe, on the third day of April, the twenty sixth day of June, and the twenty fifth day of September;

In the county of Guernsey, on the seventeenth day of April, the thirty first day of July, and the eleventh day of October;

In the county of Harrison, on the first day of May, the fourteenth day of August, and the thirtieth day of October;

In the county of Jefferson, on the twenty second day of May, the twenty eighth day of August, and the thirteenth day of November.

Court may be continued for probate business, &c.

SEC. 15. That if the court, in any county in any circuit, shall have not completed its business before the time fixed for holding the court in any other county in the same circuit, the court may continue its term until the business be disposed of, for the purpose of doing probate and testamentary business, granting letters of guardianship, licenses for taverns and ferries, and for return of process.

Provision as to Sunday.

SEC. 16. That if any of the days fixed by this act for the commencement of any of said courts shall be on Sunday, such term shall commence on the next day thereafter. And, that, from and after the passage of this act, the Courts of Common Pleas shall be held in the several counties named aforesaid, annually, at the times and places specified in this act, until otherwise altered or amended.

Repealing clause.

SEC. 17. That the act fixing the times of holding the Courts of Common Pleas, passed February fifteen, one thousand eight hundred and forty two, and all acts amendatory thereto, be and the same are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 2, 1843.

AN ACT

To regulate the sale of Ministerial and School Lands, and the surrender of permanent leases thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any law shall authorize the sale of any lands, granted by congress for ministerial or school purposes, or the surrender of any permanent leases thereto, said sale or surrender shall be regulated by, and conducted according to the provisions of this act.

Notification to legal voters.

SEC. 2. In cases where there has been no vote taken for the sale of any such land, the trustees of any original surveyed township, to which such lands may belong, shall, more than

thirty days prior to the taking of any such vote, cause not less than eight notices to be posted up in as many of the most public places in such township, notifying the legal voters resident within such township, to meet at some convenient place and time therein specified, and there cast their ballots for or against the sale of any such lands, belonging to such township.

Duty of trustees to deposit poll books with the auditor of county, &c.

SEC. 3. The trustees of the township shall preside at the taking of such ballots, and shall appoint two clerks, who shall keep two poll books, containing the names of the voters, and the result of the ballot, which poll books shall be signed by the trustees and clerks; and, in case such ballot shall result in favor of a sale, the trustees shall, within ten days after such election, deposit one of said poll books with the auditor of the county, within which such lands may be situate, with a copy of the notice given, and the affidavit of one or more of the trustees, stating the manner of giving said notices, the time and places of putting up the same; which notice, affidavit and poll book, shall be by said auditor copied into a book for that purpose, to be provided; and, when so recorded, such record shall be evidence of the truth of the facts therein stated.

Trustees to file petition in court of common pleas.

SEC. 4. When such record has been made, the trustees of such township, to which said lands belong, shall file a petition in the court of common pleas of that county, within which said lands may be situate, setting forth the giving of said notice, the taking of said ballot, the result of the same, the filing and recording of the aforesaid papers in the office of the auditor of the proper county, and asking the court to appoint three disinterested freeholders, not resident of the township in which the land may be situate, to divide and value the same, in money.

Court to appoint appraisers, &c.; duty of appraisers.

SEC. 5. If such court shall be satisfied that the statements made in the petition are all true, the court shall appoint three persons to divide, and appraise the same, according to the prayer of such petition; and said appraisers, taking to their aid, if they think necessary, the county surveyor, shall proceed to divide said lands into such parcels or tracts, as in their opinion will be best for the sale thereof, and return, in writing, such divisions, suitably numbered and described, to the said court, with a just valuation of each separate division, in money.

Court to certify return of appraisers.

SEC. 6. The court, on such return being made, and having been by said court examined, and found in all things regular, just and fair, shall certify the same, and order the same to be entered of record, together with the petition, and all the proceedings thereon had; a copy of which record the trustees shall cause to be filed in the office of the auditor, of the proper county, who shall copy the same into the book, containing the notice, affidavit and poll book, aforesaid, and immediately following the same.

Auditor to publish notice of sale, &c.

SEC. 7. The auditor of the county, on the recording of said proceedings, shall forthwith cause a notice to be published, in some newspaper, in most general circulation in said county, for six consecutive weeks, before the day of sale; and, at the

same time, by posting up copies of such notice, in six of the most public places in said county, two of which shall be in the township where the lands are situate, and one at the court house, containing a description of the lots or lands to be sold, the valuation thereof, and the time when said lands shall be offered at public auction, by said auditor, at the door of the court house, at not less than the appraised value thereof; one twelfth of the purchase money to be paid at the time of sale, and the balance in twelve annual instalments, of equal amount, with annual interest thereon; and said auditor shall, at such time and place, proceed to offer the same to the highest bidder, and on the terms stated in said notice.

Terms of sale.

Auditor may continue to offer for sale, in certain cases.

SEC. 8. In case said lands, or any part thereof, shall not be sold, as aforesaid, the auditor may continue to offer the same, on the application, in writing, of the trustees of the township, to which said lands may belong, at any future time or times, until they shall all be sold, having first given the like notices herein provided to be given on the first sale thereof; provided that no sale shall be had on any valuation made more than two years prior to the day of the sale.

When the court may direct a new valuation.

SEC. 9. The court of common pleas, aforesaid, is hereby required, on the petition of the trustees, aforesaid, setting forth the former appraisement, and the subsequent proceedings thereto, and that two years have elapsed, and the land remains unsold, to direct a new valuation of the same, to be made in the manner hereinbefore directed, unless said court, on testimony, shall be satisfied that the former appraisement is a just and fair valuation of said lands; in that case, the court shall make an entry of such fact, which entry shall be certified to, and recorded by, the auditor, in manner aforesaid, and shall have the same effect as a new appraisement.

Proceedings on surrendering leases.

SEC. 10. In case said lands are held under permanent leases, the legal or equitable holder of any such lease, wishing to surrender the same, and to purchase the fee of the premises, so held by lease, may file his petition in the court of common pleas for the county, in which such lands are situate, setting forth a description of the premises so held, the state of his lease, or his title thereto, that he is desirous of surrendering such lease, and becoming the owner of the premises in fee, and asking the court to appoint three disinterested freeholders of the county, and not resident of the township, wherein such lands are situate, to value the same; and the court, on being satisfied of the truth of the facts set forth in such petition, shall appoint such appraisers, who shall proceed, under oath, to make a just valuation of the premises, in money, without reference to the improvements made thereon, under and by reason of said lease, and shall return such valuation, in writing, to said court; and the said court, if it shall be satisfied that said valuation is just, shall confirm the same, and order it, with the petition and other proceedings thereon, to be recorded.

Lessees to produce certified copies of petition, &c.

SEC. 11. Any such lessee, on producing to the auditor of the proper county, within two years after the making of the same, a certified copy of such petition and appraisement, and confirmation, shall be permitted, by indorsement thereon, attested by the auditor, to release to the state of Ohio all his interest, title and claim, in and to such permanent lease, for the benefit of the township, to which the same may belong, which certified copy of said record and said release, shall be recorded in a book for that purpose to be provided.

On payment of part of purchase money, auditor to give certificate.

SEC. 12. The purchaser of any such lands, at any auditor's sale, or the lessee of any such land, held under permanent lease, on executing his release, as aforesaid, shall each, forthwith, pay to the treasurer of the county, one twelfth of the purchase money in the first case, and one twelfth of the valuation in the second, and take the treasurer's receipt therefor; and the auditor, on receiving the treasurer's receipt for said first instalment, shall give to said purchaser or lessee, a certificate containing the name of the purchaser or lessee, a description of the premises, the number, amount and time of payment of the subsequent instalments, and that said purchaser or lessee, their heirs or assigns, in writing, on the punctual payments of the sums still due, with annual interest up to the time of payment, shall be entitled to receive a final certificate from such auditor, provided that such lessee shall produce to the auditor, the certificate of the proper officer, that all rents due on such premises have been paid, up to the time of surrendering said lease.

Persons wishing to pay money, must obtain certificate of auditor

SEC. 13. Any person wishing to pay any money under the provisions of this act, in part or full payment of any such lands, shall first obtain the certificate of the auditor, of the amount due, or to be paid; and, on the presentation of the same, the treasurer is authorized to receive the amount therein specified, and shall give to the person paying the same, a certificate directed to the auditor, of the payment of said sum of money; and the auditor, on the presentation of said certificate, shall give to such person a receipt therefor, credit him with the amount in his books, and charge the treasurer therewith.

County auditor to keep account of sale, and report to auditor of state.

SEC. 14. The county auditor shall keep an account of all sales made, and leases surrendered, and moneys paid thereon, with each purchaser or lessee, and with the county treasurer, and report the same to the auditor of state on the first day of February, May, August and November, in each and every year, and, from the time of such report, the state shall be liable to pay interest on all such sums so reported as paid; and the treasurer of state, on receiving a certified copy of the account from the auditor of state, shall be authorized immediately to draw said money from the county treasurers.

Failure to pay, to work a forfeiture.

SEC. [redacted] If any such purchaser or lessee shall fail to make any payment on any tract of land for the space of twelve months after the time the same shall become due and payable, the auditor of the proper county shall forthwith proceed to sell

such tract or tracts of land, with all the improvements thereon, at the door of the court house, to the highest and best bidder therefor, in cash, having first given notice of the time and place of such sale, containing a description of the lands, and the money due, and to become due thereon, by publishing the same in some newspaper in most general circulation in said county, for six consecutive weeks before the day of sale; and, on such sale, no bid shall be entertained for a sum which will not be sufficient to pay all the purchase money due the state, and all expenses incident to such sale; and, in case said premises can not be sold for that amount, they shall revert to the state, in trust for said township, and be sold in the manner hereinbefore provided for the sale of such lands, not under permanent lease.

How final certificate shall issue.

SEC. 16. When said lands shall sell, as aforesaid, the purchaser shall pay to the treasurer of the county the amount so bid for said premises, and, on producing to the auditor the treasurer's receipt for such payment, the auditor shall give him a final certificate, stating the fact of such sale, the name of the purchaser, the description of the lands sold, the amount for which sold, the payment of the same, and that the purchaser is entitled to receive from the state of Ohio a deed in fee simple for the same, on producing to the proper officer this certificate.

Same subject.

SEC. 17. When any purchaser or lessee, their heirs or assignees, in writing, shall have made payment in full, the auditor shall give to such person a final certificate, containing, in addition to the former one, the fact of the payment in full, and that said person is entitled to receive from the state of Ohio a deed, in fee simple for said premises, on the presentation of this certificate to the proper officer or officers.

Auditor to make out deed, &c.

SEC. 18. The auditor of state, upon the filing of any such final certificate in his office, shall make out the draft for a deed therefor, and deliver the same, with such final certificate, to the governor of the state, who shall sign said deed, and cause the same to be sealed with the great seal of the state, and countersigned and recorded by the secretary of state, and by him delivered to the grantee, on demand.

Excess of money to be paid to delinquent owner.

SEC. 19. All excess of moneys made on any sale of delinquent lands, as aforesaid, after paying all sums due, interest and costs, shall be paid on demand, to such delinquent owner, his heirs or assigns, from the county treasury, on the order of the auditor, if such demand be made within one year from the time of such sale, and if not so demanded, it shall be paid into the state treasury; and, unless the same shall be demanded within one year after the same shall have been paid into the state treasury, it shall be applied for the same uses as the lands are subject to.

Fees of officers under this act.

SEC. 20. The fees for services, under this act, shall be as follows:

The court shall tax such fees on any petition filed [illegible] the same, as are allowed for similar services on proceedings in chancery;

The county auditor to be allowed one dollar and fifty cents

on each sale made by him; for each certificate, fifty cents; for each receipt, six cents, to be paid by the purchaser; and the same fees for recording as is allowed to county recorders, to be paid out of the first moneys, paid in as interest or rents, on such sale or surrender.

All printers' fees, for advertising, shall be paid out of the county treasury, on the order of the auditor, and refunded out of the first moneys received on such sale, as interest or rents.

The cost in court shall, in case of a petition by the trustees, be paid out of the county treasury, on the order of the county auditor, and refunded out of the first moneys received from the sale, as interest or rents; in case of a lessee being petitioner, all costs shall be paid by him.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 2, 1843.

AN ACT

To amend the act entitled "An act to provide for the valuation and sale of the Canal Lands belonging to the state of Ohio, and also to amend the acts, now in force, in relation thereto," passed March 7, 1842.

Lands to be appraised.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all lands heretofore granted by Congress, to aid in constructing the Wabash and Erie Canal, shall be appraised, as hereinafter provided.

Appraisers to appraise lands upon actual view, at their true value in money.

SEC. 2. That Samuel Morrison, of Coshocton county, John Shelby, of Logan county, and John Caldwell, of Crawford county, whose duty it shall be, after first taking an oath before some competent authority faithfully and impartially to discharge the duties imposed upon them by this act, to proceed, upon actual view, to appraise the Wabash and Erie canal lands, in half quarter sections, at their true value in money; and they shall make out duplicate lists of such lands, giving the description and appraisement of each tract as aforesaid, under their hands and seals, one of which shall be deposited with the receiver of the Perrysburg land office, and the other shall be deposited with the governor, on or before the first day of June, anno domini, one thousand eight hundred and forty three; provided, that whenever there shall be a person in possession of any section, or less quantity of said land, having made valuable and lasting improvements, to the amount of one hundred dollars, or upwards, said appraisers shall first appraise said land at its value in a state of nature, without regard to the improvements, setting down the value opposite each tract; and then it shall be the duty of the appraisers to assess the value of such lasting improvements as aforesaid, and shall also assess the damages

Improvements to be appraised, &c.

which said lands may have sustained from waste, together with the net annual value of the rents and profits which the person in possession may have received from the same, and deduct the amount thereof from the estimated value of such lasting improvements, and set down the remainder against each tract, as the value of said improvements; and, on the day of sale, if the person so in possession shall bid for such land as much as any other person shall bid for the same, together with the appraised value of the improvements, the land shall be struck off to such person in possession; but if any other person shall bid more for said land, in addition to the value of the improvements, then the land shall be struck off to such bidder, and the appraised value of the improvements paid over by the receiver to the person so in possession; but if such lands shall not be sold at public sale, then such person in possession shall have the right to enter the same at private sale, as other lands under this act; provided, further, that nothing herein contained shall be construed to extend to any person who shall settle on said lands subsequent to the first day of December, one thousand eight hundred and forty two.

Sale, &c.

On receipt of commissioners' report the governor to issue his proclamation for the sale.

SEC. 3. On the reception of the report of the commissioners as aforesaid, the governor shall issue his proclamation appointing a day for the sale of the lands in the Perrysburg district; and, also, within two weeks therefrom, in the Lima district, giving therein the time of said sales, which shall be published in the Ohio Statesman, Old School Republican and Ohio State Journal, printed in the city of Columbus, and in all newspapers published in the counties wherein any of said lands are situated, for at least four consecutive weeks previous to such sales.

Lands in Perrysburg and Lima districts to be sold in half quarter sections.

SEC. 4. That the Wabash and Erie canal lands, in the Perrysburg and Lima districts, shall be offered at public outcry, to the highest bidder, in half quarter sections, or forty acre lots; and, after the public sales herein provided for, all lands remaining unsold for want of bidders, shall be subject to private entry at the proper land office, upon the same terms as the same have been offered at public auction; but no lot or tract shall be sold for less than the appraised value, at either public or private sale.

Miami lands how to be sold.

SEC. 5. That the Miami canal lands shall, hereafter, be subject to private entry at the appraised value thereof, provided that such parts of sections nine, ten, thirty, thirty one, thirty two, and thirty three, in township five, south, range three, east, and section thirty six, township five, south, of range two, east, as belong to the state, shall not be entered or sold at a less price than four dollars per acre.

Appraiser's compensation.

SEC. 6. That the appraisers under this act shall each be allowed the sum of two dollars per day while actually employed as appraisers, to be paid at the state treasury out of any money not otherwise appropriated; and the register and receiver of the land office at Perrysburg, shall receive the compensation as is provided for in the act passed March seventh, one thousand eight hundred and forty two, except that the register and

receiver at Lima shall each receive one per centum on all moneys or certificates of canal stocks received and paid to the state treasurer by said receiver; and the register and receiver at Perrysburg shall have the same compensation on all certificates of canal stocks, received and paid over by the receiver to the state treasurer; and each of said receivers shall pay over every sixty days, all moneys or certificates of canal stocks, received by them, into the state treasury, and perform all the duties required by this act.

Land officers not to be purchasers.

SEC. 7. That no person, holding the office of register or receiver of the land office in the Perrysburg or Lima districts, shall purchase or enter, or be in anywise concerned, either as principal or agent, in the purchase or entry of canal lands in either of said districts; and any register or receiver violating the provisions of this section shall, for every such offence, forfeit and pay the sum of five hundred dollars, to be recovered by indictment in the court of common pleas of the proper county, and paid into the county treasury for the use of said county.

Governor to fill vacancy.

SEC. 8. That in case of a vacancy by the death, removal, resignation, declination or inability of either of the appraisers named in the second section of this act, the governor shall fill such vacancy.

Land office to be at Perrysburg.

SEC. 9. That the land office for the sale of the Wabash and Erie canal Lands shall hereafter be kept at the town of Perrysburg, in Wood county.

Repealing clause.

SEC. 10. That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 7, 1843.

AN ACT

To amend the act fixing the time of holding the Courts of Common Pleas for the year 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first term of the court of common pleas for the county of Athens, for the year one thousand eight hundred and forty three, be holden on the twentieth day of February and continued two weeks, if necessary; any thing in the act to which this is an amendment to the contrary, notwithstanding.

SEC. 2. That all writs directed to the sheriff of the county of Athens, and made returnable on the first day of said term, may be returned at any time during the term.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

Further to amend the act entitled "An act to abolish imprisonment for debt," passed March 19, 1838.

Affidavit must state that defendant is about to remove with intent to defraud.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the first section of the act amendatory of the act entitled "An act to abolish imprisonment for debt," passed March sixteen, one thousand eight hundred and thirty nine, as authorizes any imprisonment for debt upon the making or filing affidavit that the defendant or debtor is about to remove his body out of the jurisdiction of the court, be and the same is hereby repealed; and that if the plaintiff, his agent or attorney, shall make and file his affidavit that the defendant or debtor is about to remove his person out of the state or county, with intent thereby to defraud his creditors, it shall be deemed additional cause to those mentioned in the third and fourth sections of the act to abolish imprisonment for debt, passed March nineteen, one thousand eight hundred and thirty eight.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 7, 1843.

AN ACT

To regulate banking in Ohio.

Company to be subject to certain rules, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all companies or associations of persons desiring to engage in and carry on the business of banking within this state, which may hereafter be incorporated, shall be subject to the rules, regulations, limitations, conditions and provisions contained in this act, and such other acts to regulate banking, as are now in force, or may hereafter be enacted, in this state.

No bank to be incorporated unless previously formed.

SEC. 2. No company or association of persons shall be incorporated to carry on the business of banking, within this State, without being first regularly formed, and having made application to the legislature, by petition, for an act of incorporation, stating in said petition the names and residences of the persons composing such company or association, the amount of capital stock to be invested, and the place of doing business; and notice of such application shall be given by publication in some newspaper of general circulation printed in the county in which it is proposed to locate such bank, for at least thirty days next preceding the session of the general assembly to which application is made.

SEC. 3. Every such bank, or corporation for banking purposes, shall have power— Banks to have power;

First: To have succession by its corporate name, from the date of its creation, during the term for which it may be created; —Succession;

Second: To sue and be sued, complain and defend, in any court of law or equity; —To sue, &c.

Third: To make and use a common seal, and alter the same at pleasure; —To make seal;

Fourth: To purchase and hold such real estate, and no more, as shall be necessary for its banking house, and such personal property as shall be necessary to the transaction of its business; —To purchase and hold real estate

Fifth: To elect annually, on the first Monday of January, a president, and a board of not less than four nor more than nine directors, as the stockholders may determine, who shall be citizens of this state, and a majority of whom shall be residents of the county in which the bank is located; and such president and directors shall appoint the cashier and other officers and agents of such bank or corporation; —To elect a president and board of directors;

Sixth: To have and keep an office of discount and deposit, in the place of its location, and at no other place; to receive deposits, and issue certificates therefor; to loan money, and to discount bills of exchange, promissory notes, and other negotiable paper, or obligations for the payment of a sum of money certain; also, to issue bills or bank notes for current circulation, payable to bearer, on demand, at its banking house, or office of discount and deposit; and to draw or issue drafts or checks on individuals, companies or corporations, payable to order, at such time and place as the directors, for the time being, shall deem expedient; such drafts or checks not being for the purpose of current circulation; —To have an office of discount and deposit; —Draw drafts, checks, &c.

Seventh: To make bylaws, not inconsistent with any law of this state, or of the United States, for the management of its property, or the regulation of its affairs.

SEC. 4. Every such bank, that may be incorporated under this act, before it makes any loans and discounts, or shall be entitled to have registered, as hereinafter provided, any notes or bills for circulation, or issue or pay out any notes whatever, or commence the business of banking, shall have subscribed and paid in, in good faith, the whole amount of its capital, as a permanent investment, for the business of banking, and be actually possessed of it as a banking capital, the whole of which shall be in gold or silver coin. Banks not to commence business until all the capital is paid in gold or silver.

SEC. 5. The capital stock so paid in, shall be examined, and ascertained to exist as the bona fide capital of such bank, by the bank commissioners; and said commissioners, after being fully satisfied that such bank has complied in good faith, with all the terms and conditions above named, and the act creating it, shall make out duplicate certificates thereof, one of which shall be transmitted to the register, and the other de- Capital stock to be examined by bank commissioners and certified to the register.

livered to the president of such bank, and on presentation of such certificate to the register, and not before, such bank shall be vested with all the privileges, and be subject to all the conditions, restrictions, and limitations of this act, and shall be entitled to have numbered and registered such amount of notes for circulation, in proportion to its capital stock, as is prescribed by this act.

Officers to take oath.

SEC. 6. Every president, cashier, director, or other officer of such bank, shall take an oath or affirmation, that he will faithfully, diligently, honestly, and impartially, discharge and perform all the duties enjoined on him by law, as such officer of such bank, and that he will faithfully observe, and carry into effect, the provisions of this act, according to the best of his skill and abilities.

Bank restrictions;

SEC. 7. It shall not be lawful for the president, directors, trustees, cashier, or other officer, clerk, or agent of any bank—

—As to dividends;

First: To make dividends, except from the profits arising from the business of the bank;

—Withdrawal of capital;

Second: To divide, withdraw, or in any manner pay to the stockholders, or any of them, any part of the capital stock, or reduce such capital stock without the consent of the general assembly;

—Purchase of stock;

Third: To apply any portion of the funds, property, assets, or effects of their bank, directly, or indirectly, to the purchase of shares of its own stock, or to the purchase of stock in any other bank, company, or corporation;

—Loans on pledge of stock;

Fourth: To make any loan or discount, upon the pledge of its own stock as security, or the pledge of any stock of any other bank, company, or corporation; or, to receive any such shares in payment of any debt due to their bank;

—Stock, or other evidences of debt, in exchange;

Fifth: To receive from any other stock corporation, in exchange for the shares, notes, bonds, or other evidenees of debt, of their own institution, shares of the capital stock of such other corporation, or, to receive in such exchange the notes, bonds, or other evidence of debt, issued by such corporation; provided nothing herein shall be so construed as to prevent any bank from receiving the circulating notes of any other bank in deposit, or in payment of debt;

—Discounts as means of payment of stock;

Sixth: To discount, or receive any note or other evidence of debt in payment of any stock of their bank, required to be paid, or any part thereof, or with intent of providing the means of making such payment;

—Discounts to enable stockholders to withdraw capital;

Seventh: To discount, or receive any note, or other evidence of debt, with intent of enabling any stockholder in their bank to withdraw any part of the money paid in by him, on his stock;

—Limitation of loans to stockholders and directors;

Eighth: To loan, or discount, to any stockholder or director, upon any note, or other evidence of debt, or, to permit any director or stockholder to become liable, in any form, to their bank, to a greater amount than one half the capital stock of such stockholder or director, actually possessed by him;

Ninth: To loan to any one individual, whether stockholder, director or otherwise, upon any note, or other evidence of debt, or to any firm, or to any one or more individuals comprising a firm, in the aggregate; or, to permit any individual or firm, or individuals comprising a firm, in the aggregate, to become indebted to such bank, at any one time, to a greater amount than the following proportions: —General limitations;

1. If the capital stock of such bank amount to one hundred thousand dollars, then such liability shall not exceed the sum of eight thousand dollars; —$8,000;

2. If the capital stock be over one hundred thousand dollars, and not exceeding three hundred thousand dollars, then such liability shall not exceed the sum of ten thousand dollars; —$10,000;

3. If the capital stock be over three hundred thousand dollars, and not exceeding five hundred thousand dollars, then such liability shall not exceed the sum of fifteen thousand dollars; —$15,000;

4. And if the capital stock be over five hundred thousand dollars, then such liability shall not exceed the sum of twenty thousand dollars. —$20,000;

Tenth: To loan, or discount, to any president, cashier, clerk, or other subordinate officer thereof, or, upon any paper or obligation upon which any such president, cashier, clerk, or other subordinate officer shall be liable; and, —loans to officers;

Eleventh: No bank shall, directly or indirectly, sell any of its gold or silver coin, or export the same out of the state; nor shall any bank employ any broker to transact any business, or be concerned, either directly or indirectly, in any way whatever, with any broker, or in any brokerage business. —sale of coin; —Brokerage.

Sec. 8. Any president, director, trustee, cashier, or other officer, clerk or agent of any bank, consenting to a violation of any of the provisions contained in the preceding section of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding five thousand dollars, nor less than one thousand dollars, and be imprisoned in the cell or dungeon of the county jail, and fed on bread and water only, not exceeding six months, nor less than one month, and, moreover, shall be jointly and severally liable to said bank for all damages arising therefrom; and every such loan or discount, or excess of loan or discount, therein forbidden, shall be considered and held, to all intents and purposes, null and void. Punishment of officers, Discounts void.

Sec. 9. It shall not be lawful for any person, being president, director, trustee, cashier, or other officer, clerk, agent, or in any way interested or concerned in the management of the concerns of any bank, to discount, or, directly or indirectly, make any loan upon any note, bill, or other evidence of debt, which shall have been offered to such directors for discount and refused; and every note, bill, or other evidence of debt, so discounted, or upon which any loan shall have been made, by any of the persons aforesaid, knowing that such note had been so Officers not to discount paper refused by directors.

offered and refused, shall be utterly void; and the person offending herein, knowing that such note had been so offered and refused, by making any such discount or loan, shall forfeit and pay, to any person who may sue for the same, the amount of any such discount or loan, to be recovered by action of debt, in the name of the state of Ohio with costs of suit, in any court of competent jurisdiction.

—Penalty.

Punishment for embezzling, &c.

SEC. 10. If any president, director, trustee, cashier, or other officer, clerk, or agent of any bank, shall embezzle, or fraudulently convert to his own use, or shall fraudulently take or secrete any effects or property, or commit any breach of trust, with intent to convert to his own use, or the use or benefit of any other person, any effects or property belonging to such bank, or deposited therein, he shall be liable to a prosecution by indictment, and, upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than ten years, nor less than one year.

Restrictions and penalties as to amount of debts.

SEC. 11. No bank shall, at any time, owe, otherwise than to depositors, for money actually paid and remaining in the bank, more than one and a half times the amount of its capital, at such time paid into the bank, and remaining therein as active capital stock; and the loans and discounts of a bank shall not, at any time, exceed twice the amount of capital stock actually paid into, and possessed by, the bank, and all loans and discounts over such amount shall be null and void, and the directors, consenting thereto, shall be liable, jointly and severally, in their individual capacities, to such bank, for all damages arising to such bank, from such excess of loans and discounts.

Rule for declaring dividends.

SEC. 12. The board of directors shall, on the first Mondays of January and July, annually, make and declare such dividends, resulting from profits of the bank, as shall not impair, nor in anywise lessen, the capital stock of their bank, and cause the same to be paid to the stockholders thereof, on demand; provided that the directors, in making up the accounts for declaring dividends, shall charge all bad debts to profit and loss, set apart a sufficient sum to provide for doubtful debts, and declare and divide all the residue of accumulated profits among the stockholders.

Proportion of circulation to capital.

SEC. 13. It shall not be lawful for any such bank, within the provisions of this act, to issue and put in circulation, or to have in circulation, at any one time, an amount of notes or bills of such bank, designed, calculated, or intended to circulate as money, greater than the amount of capital stock actually subscribed and paid into, and remaining in, such bank; and every such bank shall be required to have and keep, in the vaults thereof, as the actual property of such bank, an amount of gold or silver coin equal to one dollar for every three dollars of such circulation; and, in case it shall so happen that any bank, by the redemption of its notes, and the payment of its immediate liabilities, in gold or silver coin, shall violate so

much of this section as relates to the proportion of its specie and circulation, it shall be unlawful for the directors of such bank, from the time such disproportion accrues, to discount any note, bill, bond, or other security, or in any manner pay out or put in circulation any of the circulating notes of such bank, until the legal proportion of circulation, and gold and silver coin, shall be regained; and all such discounts, made in violation of the provisions of this section, shall be considered and held, to all intents and purposes, void; and the directors, consenting to such violation, shall be liable, jointly and severally, in their individual capacities, to such bank, for all damages arising to such bank for such violation.

Penalty for excess.

SEC. 14. It shall not be lawful for any bank to directly or indirectly issue, pay out, give, or offer in payment, or, in any way, directly or indirectly, circulate, or put in circulation, any note, bill, or other description of paper whatever, calculated or intended to pass or circulate as money or currency, except such as shall have been numbered and registered for and on behalf of such bank, by such officer as shall be appointed by the general assembly for that purpose; which notes or bills shall not be made payable at any other place than at the banking house where issued, or payable at any other time than on demand, or payable in any thing else than gold or silver coin, or be of a denomination less than five dollars; and all such notes shall be signed by the president, and countersigned by the cashier, of the bank that issues them.

Notes and bills not to be put in circulation until numbered and registered.

SEC. 15. Any officer of a bank who shall, as such officer, issue, pay out, or in any way circulate, or put in circulation, any note, bill, or other description of paper whatever, calculated or intended to pass or circulate as money or currency, which shall not have been first numbered and registered, as required in the thirteenth [fourteenth] section of this act, for and on behalf of such bank, every such officer shall be deemed guilty of a misdemeanor, and, on conviction thereof, by indictment, shall be imprisoned in the penitentiary, and kept at hard labor, not more than three years, nor less than one year; and every person who shall act as president, cashier, clerk, trustee, agent, or director, to any such bank, or shall, in any respect, assist in the discounting of paper, or lending money for such bank, or in paying out money for such bank, and every person whose handwriting shall appear on any note or bill, not registered and numbered as aforesaid, shall be deemed and taken to be an officer of such bank, within the meaning of this section.

Punishment for circulating bills.

SEC. 16. That there shall be a register appointed by a joint resolution of the general assembly, every three years, whose duty it shall be to indorse, on every note that shall be presented to him for that purpose, the word "registered," and to which he shall sign his name; he shall note the number, denomination, and quantity of notes or bills indorsed by him, as aforesaid, in some proper book, to be provided and kept for that purpose, in the office of said register, under the supervision of

Register to be appointed;

—His duty.

the auditor of state, and of the bank commissioners. In the amount of notes to be indorsed by said register, for any one bank, he shall be governed by the certificate of the bank commissioners, which certificate shall state the amount such bank shall be allowed to have indorsed by said register, and shall be filed away and carefully preserved by said register in said office; if said register shall indorse more notes or bills for any bank than the amount which the bank commissioners shall certify such bank to be entitled to, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, by indictment, shall be imprisoned in the penitentiary, and kept at hard labor, not more than ten years, nor less than one year.

Punishment for misdemeanor.

Banks to be taxed to pay expenses of commissioners, register, &c.

SEC. 17. Each bank shall pay into the state treasury such an amount as shall be fixed by law for such registry; and to meet the same, and the salaries of bank commissioners, and their incidental expenses, there shall be raised, in addition to the annual bank tax, an additional tax, sufficient for the purposes aforesaid, which shall be paid by each bank in the state, in proportion to the amount of circulating notes it shall have registered by the register under the preceding section of this act.

SEC. 18. Repealed.

SEC. 19. Repealed.

Banks to pay a tax of one half per centum.

SEC. 20. Every bank shall pay into the state treasury an annual tax of one half per centum per annum, on its capital stock paid in, and such other tax upon its capital or circulation, as the general assembly may hereafter impose, which tax shall be paid to the treasurer of state, on the draft of the auditor of state.

SEC. 21. Repealed.

SEC. 22. Repealed.

Rule for the regulation of transfers of stock.

SEC. 23. The shares of the capital stock, in each of the said banks, shall be transferable on the books of such bank, according to such rules as a majority of the stockholders, present at any annual meeting, may establish, but subject to such provisions as are hereinafter contained, or that may be provided by law; and no transfer of stock shall be made without the consent of the board of directors, unless the stockholders shall otherwise direct. All transfers of stock to defraud the creditors of the bank, or any other person, shall be void; and if any bank shall become insolvent, or be found to have been within six calendar months after any transfer of stock shall be made, such transfer shall be deemed and taken to be fraudulent, and the person making it shall be held liable as a stockholder of such bank, in the same manner, and to the same extent, as if no such transfer had been made.

Recorder of counties to record the names of stockholders and amount of stock.

SEC. 24. There shall be provided, at the expense of the bank, a book, such as the bank commissioners may prescribe, in which shall be entered the names of the stockholders, their residence, and the amount of stock paid in, owned by each stockholder, which book shall be kept in his office, by the re-

corder of the county, and may be subject, at all times, to public inspection. Every transfer and acceptance of stock shall be entered therein, in such form as the bank commissioners may prescribe. No transfer of stock shall be valid until the same be accepted, and the transfer and acceptance thereof entered and recorded in such book; and the recorder shall receive, for his compensation herein, the sum of twenty five cents for each transfer and acceptance. Each bank shall, moreover, keep a plain, true and accurate list of the names of the stockholders, their residence, the amount of stock paid in, owned by them, posted up for public inspection, in some convenient place in the public banking room, and shall cause the same to be published once every three months, in some newspaper published in the county where such bank may be.

Banks to post up for public inspection the names of its stockholders.

SEC. 25. Repealed.

SEC. 26. The term stockholders, as used in the twenty fifth section of this act, shall extend to any equitable owner of stock appearing on the books of a bank, in the name of another person, and to every person who shall have advanced the purchase money of any shares of stock, standing in the name of his wife, or any of his children under the age of twenty one years; but no person holding stock as an executor or administrator, or, as guardian or trustee, appointed by last will or testament, or, by a court of competent authority, and no legal or equitable owner of stock under the age of twenty one years, shall be individually responsible on account of the shares so held.

Who to be considered as stockholders.

SEC. 27. If any loss of the capital stock, or other funds or property of any banks, shall be caused by official mismanagement, or the abuse of power of such bank, on the part of the president, directors, or officers thereof, or either of them, the person or persons by whose mismanagement or abuse of power such loss occurred, shall be liable in his or their individual capacity, to the bank, or the stockholders, for all damages sustained by any such mismanagement and abuse; and, in case of the insolvency of any bank, the directors and officers of such bank, causing such insolvency, shall be held, in law, to have grossly mismanaged the same, and shall be held individually liable to all other stockholders for all injury done, or suffered, and for all loss sustained by them.

President, directors, and officers, to be liable for all loss of capital, and mismanagement.

SEC. 28. Repealed.

SEC. 29. Repealed.

SEC. 30. No bank, doing business under this act, shall issue any circulating note or bill, of a denomination between five dollars and ten dollars, or between ten dollars and twenty dollars, or between twenty dollars and fifty dollars, or between fifty dollars and one hundred dollars.

Denomination of notes.

SEC. 31. Repealed.

RUFUS P. SPALDING,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 7, 1842.

AN ACT

To amend the act entitled "An act to regulate banking in Ohio."

Who may not be directors.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no person shall be a director in two banks at any one time, nor shall more than one member of any firm, or company, be eligible as a director; and the seat of any director, accepting any office in any other bank shall be vacated, and no judge of any court of record in this state, or clerk of any such court, or sheriff of any county, shall be eligible as a director in any such bank; the assent of a majority of all the directors shall always be necessary for the transaction of business; provided, in every case of the renewal of a note, the assent of two thirds of all the directors shall be necessary for such renewal; nor shall any loan be made for a longer period than six months; nor shall any bill of exchange, promissory note, or other obligation, be discounted or purchased by such bank, which has more than six months to run from the time of such discount or purchase.

Majority necessary to transact business.

No loan to be made for a longer period than six months.

When dividend shall not be made.

SEC. 2. It shall not be lawful for the officers or directors of any such bank to make or declare any dividend, in case the capital stock of such bank shall be impaired, or reduced by losses or bad debts, until said capital stock be fully restored; and any bank violating the provisions of this section shall be held and taken to be insolvent, and the bank commissioners shall forthwith proceed, according to law, to close its affairs.

Directors deemed to have knowledge of the condition of their respective banks.

SEC. 3. Every director of such bank shall be deemed to possess such a knowledge of the affairs of the bank, of which he is a director, as to enable him to determine whether any act or proceeding, or omission of its directors, is a violation of the provisions of this act, and the act to which this is an amendment; and every director, who shall be present at a meeting of the directors when such violation shall happen, shall be deemed and held to have concurred therein, unless he shall, at the time, cause, or, in writing, require, his dissent therefrom, to be entered at large on the minutes of the directors, and forthwith call a meeting of the stockholders of the bank, and lay such violation before them; every director not present at a meeting when such violation shall happen, shall nevertheless be deemed to have concurred therein, if the facts constituting such violation appear on the books of the bank, and he remain a director of such bank for three months thereafter, and do not, within that time, cause, or, in writing, require, his dissent from such illegal proceedings to be entered at large upon the minutes of the directors, and forthwith call a special meeting of the stockholders, (unless the same shall have been previously done by some other director,) and lay such violation before them; and any director who shall dissent from any act, proceeding, or omission of the board of which he is a director, and

How directors may release themselves from individual liability.

comply with this and the preceding section, shall not be held liable, as a director, for the act, proceeding, or omission to which he dissents as aforesaid.

Directors, once in six months, to make examination of the condition of their banks.

SEC. 4. It shall be the duty of the directors of such bank, as often as once in every six months, to make a strict and full examination into the general state and condition of their respective banks, and compare the funds and assets thereof with the books and papers thereof, and, also, to make a strict examination of the accounts of the cashier, and make a full and complete settlement thereof, and a minute of such examination and settlement shall be entered upon the journals of said board.

Stockholders to be individually liable for all claims; except, &c.

SEC. 5. The stockholders of such bank shall be severally liable, in their individual and private capacity, for each and every valid claim against the bank, of which they are stockholders, except in cases where depositors and the bank otherwise agree in relation to the liability for their deposits; and such individual liability shall be enforced as follows: the receivers who may be appointed by law, to settle up the affairs of any bank, shall, within ten days after taking possession of such bank, make out a statement of the active assets of such bank; in determining which, no desperate or doubtful debt, no note, bill, or other evidence of debt, not payable within ninety days from the date of such examination, and no real estate shall be taken into the account; if the active assets of such bank, ascertained as aforesaid, shall not be sufficient in the opinion of the receivers, when reduced to cash, to redeem the outstanding circulating notes of such bank, it shall be the duty of the receivers to proceed immediately to collect the residue from the directors of such bank, by means of a writ of scire facias, to be issued in the name of the state of Ohio, against all of said directors who may be within the jurisdiction of the court issuing said writ, requiring them to show cause why execution should not be issued for an amount necessary to redeem the said notes; and the execution may be ordered by the proper court, at the appearance term of said writ. And in case the execution so issued shall be returned unsatisfied, in whole, or, in part, for want of property being found sufficient to satisfy the same, the said receivers shall immediately proceed to collect an amount sufficient to redeem such notes from the stockholders of such bank, by means of a writ of scire facias, against said stockholders, which writ shall recite the proceedings against the directors of such bank, requiring the stockholders, therein named, to show cause why execution should not be issued against him, or them, and execution may be ordered by the court, at the appearance term of said writ: provided, that in case any director, or stockholder, as the case may be, shall pay to said receivers his proportional share of the judgment, according to the amount of stock held, before execution issue, then execution, under said proceedings, by scire facias, shall not be issued in the first instance against such directors or stockholders, paying his or their proportional

Mode of enforcement.

Execution, how ordered, and when.

share as aforesaid, of the amount necessary to be raised to redeem the outstanding notes of such bank; but any person holding any of the circulating note, or notes of such bank, (payment of which in specie has been refused by the bank that issued the same,) may sue such bank therefor, by its corporate name, in any court of competent jurisdiction, and in case judgment be obtained, and the execution thereon be returned unsatisfied, in whole, or in part, it shall be lawful for such judgment creditor to have issued a writ of scire facias, from the court wherein such judgment was rendered against the directors and stockholders of such bank, to make them parties defendant to such judgment; and the order and mode of proceeding under said writ of scire facias shall be the same as is hereinbefore laid down for the direction of said receivers; and in case such bank shall have been placed in the hands of receivers ten days before the date of the writ of execution against such bank, it shall be the duty of the sheriff, or other officer, intrusted with the service of said writ of execution, to present the same to the said receivers, and demand payment, whose duty it shall be to pay the same, if funds be in their hands; and if payment be refused by said receivers, the said sheriff, or other officer, shall indorse the same accordingly, and make immediate return thereof, and the judgment creditor shall be entitled to his writ of scire facias, aforesaid, against the directors and stockholders, in case the said receivers shall not already have filed their præcipe for a writ of scire facias against the directors and stockholders of such bank, as herein provided.

Duty of receivers when the assets of the bank are insufficient.

SEC. 6. That in case the said receivers shall, at any time, find that the assets of such bank are insufficient to meet all valid claims against such bank, they are hereby authorized and required to have issued the writ of scire facias, against the directors and stockholders of such bank, as hereinbefore provided, for the purpose of collecting an amount sufficient to pay all such claims for which such stockholders and directors are individually liable, provided that said writ of scire facias, authorized by this and the preceding section, shall not abate for nonjoinder of directors or stockholders; and if the writ be issued against more than one person, and it shall appear that any one or more of the persons named in said writ are not liable to be charged as such directors or stockholders, it shall not vitiate or affect the proceedings, but any one or more of the persons named therein, that shall appear to be so liable, shall be fully proceeded against; and, provided, also, that the stockholders, nonresident within the state, may, in like manner, be made parties defendant to such judgment or decree, upon personal service of a copy of the scire facias, or such other notice, being given by publication, or otherwise, as the court may direct.

Further duty of receivers.

SEC. 7. The said receivers, appointed to close up the affairs of any bank, shall publish, at least once, in some newspaper printed and circulated in the county where such bank is

located, a statement of the active assets of such bank, ascertained as aforesaid, the amount of circulating notes of such bank, outstanding, and the amount, in the opinion of said receivers, necessary to be raised over and above said active assets to redeem such circulation; a published copy of which, verified by the affidavit of the proprietor or publisher of the newspaper in which the same shall have been published, shall be filed with the precipe for a writ of scire facias against the directors aforesaid.

Director may file his bill in equity.

SEC. 8. Any director of such bank who shall have been obliged to pay any debt or demand against any such bank, or the claim of any stockholder against the directors for the payment of a debt or demand against such bank, out of his individual and private property, may file a bill in equity in the court of common pleas or supreme court, and be entitled to recover the proportional part of any sum so paid by him, according to the amount of stock by him held in such bank, from the other directors, or any of them; and any stockholder who shall have been obliged to pay any demand against such bank, of which he is or was a stockholder, shall be entitled to the remedy aforesaid, against the directors, or either of them, for all sums so paid by him; and, also, the same remedy against the other stockholders in such bank, for the recovery of the proportional part of all such sums so paid by him, according to the amount of stock by him held in such bank; but, in no event, shall the private property of the stockholders be liable to contribute to reimburse the directors, or either of them, for any payment made by them, or either of them, on their aforesaid liability. And all such suits shall be set for hearing, and heard, at the first term of the court next after the filing of such bills, and a decree entered according to the equity of the case, unless good cause be shown the court for continuance.

Stockholders to have the same remedy.

Banks and officers not to deal in stocks.

SEC. 9. It shall not be lawful for any such bank, or the president or cashier thereof, except as hereinbefore provided, to purchase or sell, or otherwise deal in, public stocks of any kind, whether of the United States or of individual states, or of any incorporated company whatever; nor shall any such bank, either directly or indirectly, receive or reserve, as interest or discount, a greater sum than at the rate of six per centum per annum, in advance, upon the amount of any loan made, or for the discount of any note, bill, or other evidence of debt, or upon any renewal thereof, either by way of interest or discount, or under any other charge or pretence whatever; and every bond, bill, note, or other evidence of debt, upon which a greater sum than at the rate of six per centum per annum, in advance, upon the amount thereof, shall be received or reserved, by way of interest or discount, or upon any other charge or pretence, by any such bank, shall be null and void; and any director, or other officer of such bank, consenting thereto, shall be liable to such bank for all damages or losses that may accrue to such bank, by reason of receiving or reserving such

Not to receive or retain more than six per cent. interest.

excess, provided that nothing herein contained shall be so construed as to prevent any such bank from buying and selling bona fide bills of exchange at their market value.

When banks may pay out their notes to depositors without being liable to penalty.

SEC. 10. That so much of the thirteenth section of the act, to which this is an amendment, as prohibits any such bank, in any manner, paying out or putting in circulation any of the circulating notes of such bank when the proportion of specie to the circulation of such bank is less than is therein prescribed, until the legal proportion of circulation, and gold and silver coin is regained, shall not be construed to prohibit such banks from paying out to depositors, for deposits actually made, the circulating notes of such bank, when desired by depositors, in lieu of specie.

State to have a lien on the estate of directors and stockholders.

SEC. 11. The State of Ohio shall have a lien on all the real estate of the directors and stockholders of any insolvent bank, for the benefit of the creditors of such bank, from the date of the application of the bank commissioners to the proper court for the appointment of special receivers to close up its concerns according to law; provided that the sale of any such real estate, upon a judgment in favor of any individual holder of the circulating notes of any such bank, shall discharge such lien on the property so sold.

Receivers to make monthly dividends.

SEC. 12. It shall be the duty of the receivers, appointed by law to settle up the affairs of any such bank, to make and declare a dividend every month to the creditors of the bank, which they are appointed to close up, in the order stated in the twenty second section of the act entitled "an act further to amend the act entitled 'an act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio,' passed February twenty five, one thousand eight hundred and thirty nine, and enforce the resumption and continuance of specie payments by the banks within the state of Ohio," passed February eighteen, one thousand eight hundred and forty two, in proportion to the claims presented. Notice of the time when, and place where, such dividend shall be made, shall be printed at least once in some newspaper printed and circulated in the place where such bank is located; and the twenty third section of the said last recited act, be and the same is hereby repealed.

Twenty third section repealed.

Franklin Bank of Cincinnati established.

SEC. 13. That John S. Groesbeck, E. S. Haines, Jacob Resor, and such of their late associates, and such other persons as may associate with them, and their successors, are hereby created a body politic and corporate, by the name of the Franklin Bank of Cincinnati, for the term of fifteen years from the first day of May, anno domini, one thousand eight hundred and forty three, to be located in the city of Cincinnati, in this state, and to be entitled to all the powers and privileges, and subject to all the duties, liabilities, restrictions and requirements of this act, and of the act entitled "an act to regulate banking in Ohio," passed March seven, one thousand eight hundred and forty two; the capital stock of which corporation shall consist of one

hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the capital stock to any sum not exceeding five hundred thousand dollars.

Franklin Bank of Columbus established.

SEC. 14. That Samuel Parsons, Gustavus Swan, L. Goodale, and such of their late associates and such other persons as may associate with them, and their successors, are hereby created a body politic and corporate, by the name of the Franklin Bank of Columbus, for the term of fourteen years, from the first day of May, anno domini, one thousand eight hundred and forty three, to be located in the city of Columbus, in this state, and to be entitled to all the powers and privileges, and subject to all the duties, liabilities, restrictions, and requirements of this act, and of an act entitled "an act to regulate banking in Ohio," passed March seven, one thousand eight hundred and forty two, the capital stock of which corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the capital stock to any amount not exceeding five hundred thousand dollars.

Western Reserve Bank established.

SEC. 15. That [*See Local laws, vol.* 41, *p.* 222.] and such of their late associates, and such other persons as may associate with them, and their successors, are hereby created a body politic and corporate, by the name of the Western Reserve Bank, for the term of thirteen years, from the first day of May, anno domini, one thousand eight hundred and forty three, to be located at Warren, in this state, and to be entitled to all the powers and privileges, and subject to all the duties, liabilities, restrictions, and requirements of this act, and of an act entitled "an act to regulate banking in Ohio," passed March seventh, one thousand eight hundred and forty two; the capital stock of which corporation shall consist of fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the capital stock to any amount not exceeding three hundred thousand dollars.

Bank of Muskingum established.

SEC. 16. That Solomon Sturges, Alva Buckingham, Richard Stillwell and David Brush and such of their late associates, and such other persons as may associate with them, and their successors, are hereby created a body politic and corporate, by the name of the Bank of Muskingum, for the term of twelve years, from the first day of May, anno domini, one thousand eight hundred and forty three, to be located at Zanesville, Muskingum county, in this state, and to be entitled to all the powers and privileges, and subject to all the duties, liabilities, restrictions, and requirements of this act, and of the act entitled "an act to regulate banking in Ohio," passed March seventh, one thousand eight hundred and forty two; the capital stock of which corporation shall consist of fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the capital stock to any amount not exceeding three hundred thousand dollars.

Bank of Mount Pleasant established.

SEC. 17. That John W. Gill, John Hogg and John Alexander, and such of their late associates, and such other persons as may associate with them, and their successors, are hereby created a body politic and corporate, by the name of the Bank of Mount Pleasant, for the term of ten years from the first day of May, anno domini, one thousand eight hundred and forty three, to be located at Mount Pleasant, Jefferson county, in this state, and to be entitled to all the powers and privileges, and subject to all the duties, liabilities, restrictions, and requirements of this act, and the act to which this is an amendment; the capital stock of which corporation shall consist of fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the capital stock to any amount not exceeding two hundred thousand dollars.

Corporators refusing to act, governor to fill vacancy.

SEC. 18. That in case either of the persons named as corporators, in either of the aforesaid corporations, should neglect or refuse to act, as such, the governor shall, upon application, appoint some suitable person to fill the vacancy; and in case all the persons, named as corporators in either of the aforesaid corporations, shall neglect or decline to accept the terms and immunities of this act, and the act to which this is an amendment, and to organize their company and commence business, on or before the first day of July, eighteen hundred and forty three, the governor of this state may, upon application, (and of the intention of making which, ten days previous notice may have been given in some newspaper printed in the county in which such corporation is located,) appoint suitable persons in their stead, as corporators, who, with their associates and successors, shall, in case they organize and commence business on or before the first day of September, eighteen hundred and forty three, be entitled to all the rights and immunities, and upon the same terms, and in the same manner that the corporators herein named would have been, in case they had organized and commenced business under this act.

Certain banks made to conform to provisions of this act, &c.

SEC. 19. That the following acts, to wit: the act entitled "an act to incorporate and establish the bank of Xenia," passed March one, one thousand eight hundred and thirty four; also, the act incorporating the bank of Wooster, passed February fourteen, one thousand eight hundred and thirty four; also, the act incorporating the bank of Norwalk, passed February twenty five, one thousand eight hundred and thirty one; also, the act to incorporate and establish the bank of Sandusky, passed March third, one thousand eight hundred and thirty four, and, also, the act incorporating and establishing the Lafayette bank of Cincinnati, passed March third, one thousand eight hundred and thirty four, shall be, and the same are hereby altered, changed and modified by the substitution of the provisions of this act, and the act to which this is an amendment, in lieu thereof, so far, that the said banks, now doing business under the said acts of incorporation, shall, after the first day of March, anno domini, one thousand eight hundred and forty four, con-

form their business to the general regulations, and be subject to all the restrictions and liabilities of this act, and the act to which this is an amendment.

Auditor to act as register, &c.

SEC. 20. That the auditor of state is hereby required to perform all the duties of register under the said act, to which this is an amendment, until such register shall be appointed and qualified; and the said corporations, herein named, shall be exempt from the operation of the seventeenth section of the said act, to which this is an amendment, till the legislature shall otherwise provide; and nothing in this act, or the act to which this is an amendment, shall prevent any person holding stock in any bank, as an executor or administrator, or, as guardian or trustee, appointed by last will and testament, or, by a court of competent authority, from selling and transferring the same at pleasure, provided that the manner of such transfer shall conform to the provisions of the twenty fourth section of the act to which this is an amendment.

Executors, &c., may transfer stock, &c,

Stockholders may require Bank Commissioners to make examinations, &c.

SEC. 21. Any stockholder in any bank, doing business under the provisions of this act, may require the bank commissioners to make an investigation of the bank in which he is a stockholder, and, if the said bank commissioners shall find, upon such examination, that the said bank, thus examined, has sunk or dissipated so much of the capital of said bank as shall be equal to one fifth thereof, said bank commissioners shall at once proceed to close up such bank according to law.

Repealing clause.

SEC. 22. That the eighteenth, nineteenth, twenty first, twenty second, twenty fifth, twenty eighth, twenty ninth and thirty first sections of the act, to which this is an amendment, be and the same are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 21, 1843.

AN ACT

To provide for the completion of that portion of the Miami Extension Canal, not now under contract.

Whereas, there is seventy miles of the Miami Extension Canal, which will be completed during the coming spring, which has cost this state two million six hundred and forty seven thousand nine hundred and twelve dollars and thirty two cents, which will be wholly unproductive to the state without the completion of the Loramie reservoir, and the thirty four miles not now under contract; and, whereas, three hundred and sixty seven thousand dollars is estimated to be suf-

ficient to complete the same; and, it is believed that when this work shall have been completed and connected with the Wabash and Erie canal, that it will, of itself, yield a revenue sufficient to pay the interest on the cost of construction, and in two years a sum sufficient to complete the same, and also add one half to the business and profit of the Wabash and Erie canal, now completed; and, whereas, it has been represented to this general assembly that all the remaining part of the Miami Extension canal, not now under contract, can be let to contractors at the late estimated cost thereof, for domestic state stock, bearing an interest of six per cent. per annum, receivable by said contractors at par value, and in absolute payment therefor, with the express understanding that no other or further payments are to be made to said contractors under any circumstances whatever; therefore

Board of public works to put under contract.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are hereby authorized to put under contract, and complete, the thirty four miles of the Miami Extension canal and the Loramie reservoir, not now under contract, so as to complete the connection between the said Miami Extension and Wabash and Erie canal, provided the same can be completed for the sum of three hundred and sixty seven thousand dollars, and paid for in domestic state bonds, as hereinafter provided.

Fund commissioners to issue certificates of state stock.

SEC. 2. That for the payment of all the work to be constructed under the provisions of the foregoing section, the fund commissioners are hereby authorized to issue certificates of state stocks, not to exceed three hundred and sixty seven thousand dollars, bearing an interest of six per centum per annum, payable semi annually at the state treasury, and the principal redeemable at the pleasure of the state, after the year, A. D., one thousand eight hundred and sixty three; and the state treasurer is hereby authorized to pay, under the direction of the fund commissioners, said certificates of state stock, for all work performed under the provisions of this act; provided, that of the bonds hereby authorized to be issued an amount, not exceeding one hundred thousand dollars, may be made receivable in payment for the Miami Extension canal lands; provided further, that no certificates of state stock shall be issued under the provisions of this act of a denomination less than one hundred dollars.

Notice of letting.

SEC. 3. That the board of public works shall give the same notice for letting of this work that is usual for works of a similar nature in this state, setting forth the time, place, and conditions of said letting.

Work to be put up in certain quantities.

SEC. 4. That this work shall be put up in such quantities as may be deemed for the interest of the state, by the board of public works, and shall be struck off to the lowest responsible bidder, provided, that no bid shall be received for more than the estimated cost of construction; provided further, that no contract shall be entered into on the part of this state, until the

contractor or contractors, mentioned in this section, shall first enter into bonds, with good and sufficient surety for the faithful performance of their contract or contracts, agreeably to the terms thereof; and that no contract shall be considered as complete, nor shall operations be commenced under any one or more contracts, until the whole of said work shall have been contracted for; and it shall be the duty of the acting commissioner on said work, at each and every estimate, to retain ten per centum on the amount of each estimate, as additional security for the faithful performance of the work aforesaid; provided that all contracts entered into under the provisions of this act shall provide for the entire completion, ready for the letting in of the water, of such sections of the contract or other jobs as may be embraced in said contracts, at a price not exceeding the estimated cost thereof; and that no other or further allowance shall be made to any contractor on said works on any claim of having performed extra work, or, of having been deceived in the character of the work undertaken by him, or, of having been misled by the erroneous estimates of any engineer, or, on any other claim or pretence whatever; and no contract shall contain specifications of the number of square feet, yards or perches to be completed by the contractor.

Resident engineer to estimate work, &c.

SEC. 5. That there shall be made every ninety days, by the resident engineer, an estimate of all work performed by each contractor; and the acting commissioner, on said work, shall pay to each contractor the amount of such estimate, in the domestic state bonds, as specified in this act, retaining ten per centum as specified in section four of this act; and no bonds shall be issued until such estimate shall have been made; and no more bonds shall be issued or paid out than what may be necessary to pay such estimates from time to time as the said work may progress.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To authorize the Court of Common Pleas to remit or reduce judgments or recognizances in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall have discretionary power to remit or reduce the amount of any judgment which has been, or may hereafter be obtained in said court, on any recognizance for an appearance to answer to the charge of

any crime or offence, where it shall be made to appear that, after the rendition of such judgment, the accused was arrested or surrendered to the court and tried on such charge, or, where it shall be made to appear that the appearance or surrender of the accused had become impossible, or beyond the power of the accused and his bail.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To amend "An act to regulate Elections," passed February 18, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any clerk, or return officer, of any county, neglects to forward the returns for the election of governor, as directed by the second article and second section of the constitution of Ohio, and the twenty third section of the act to regulate elections, passed February eighteenth, one thousand eight hundred and thirty one, he shall be fined in any sum not less than five hundred dollars, nor more than one thousand; to be recovered before any court having competent jurisdiction thereof, in an action of debt, in the name of the county; and it shall be the duty of the county treasurer to sue for, and recover the penalty aforesaid, for the use of the county.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

Making provision for the enlargement of the Lunatic Asylum of Ohio.

Enlargement of Lunatic Asylum.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That, for the enlargement of the Lunatic Asylum of Ohio, there shall be erected, adjoining the same, two buildings, to be constructed in such manner, and on such a scale, as shall, in the opinion of the directors and superintendent, and under the supervision of the superintendent, of said asylum, be best calculated to promote the interests of said institution.

Appropriation.

SEC. 2. That, to defray the expense of the erection of said buildings in part, there is hereby appropriated the sum of five thousand dollars, to be paid out of any money in the treasury not otherwise appropriated; and all moneys to be drawn from the treasury, under the provisions of this act, shall be drawn on the order of a majority of said board of directors; an accurate account of which, and the disbursement thereof, shall be by them annually reported to the general assembly.

Duty of warden of Penitentiary.

SEC. 3. That the directors and warden of the Ohio Penitentiary are hereby required to cause to be employed in making the necessary quantity of bricks, preparing all the materials, manufacturing the necessary tools, implements and machinery, and doing any other part of the work or mechanical labor required for the erection and completion of said buildings, so many of the convicts under their charge, as the said board of directors and superintendent of the Ohio lunatic asylum, may deem necessary and advantageous, and as the said directors and warden of the Ohio penitentiary may deem safe to the state; and said convicts shall labor under such regulations in regard to discipline, as shall be by said directors and warden of the Ohio penitentiary prescribed; and the whole amount and expenses of convict labor thus performed, shall be reported by said last mentioned directors, to the general assembly in their annual report.

Directors prohibited from commencing, unless, &c.

SEC. 4. That the directors and superintendent of the lunatic asylum are hereby expressly prohibited from commencing, under the provisions of this act, any enlargement of said asylum that shall require for the entire finishing and completing the same, more than twenty thousand dollars, to be drawn from the state treasury; nor shall the whole cost of said enlargement be more than forty five thousand dollars, including, in said last mentioned sum, the amount of convict labor, and the value of any materials, implements or machinery heretofore purchased for the erection of a state house, that the directors and superintendent may think can be used advantageously in said building; and the said directors and superintendent are hereby authorized to take and use for the enlargement of the lunatic asylum, any of the materials, implements or machinery before mentioned, returning the value of the same in their annual report.

Limitation as to entire cost of enlargement.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To amend an act entitled "An act granting licenses to pedlers," passed February 14, 1840.

Amount of duties increased.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That every person applying for a license, under the provisions of the third section of the act, to which this is an amendment, shall, if he intends to travel on foot, pay therefor a duty of twenty dollars; if he intends to travel and carry his goods with a single horse or other beast, carrying or drawing a burden, a duty of forty dollars; and if he intends to travel with a carriage or other vehicle, drawn by more than one horse or other animal, or with a boat, a duty of eighty dollars.

Forfeitures.

SEC. 2. That the forfeitures, provided for in the fourth section of said act, shall be held to attach to pedling in a higher grade of conveyance than that authorized by the license; and the duties imposed by the sixth section of the aforesaid act, upon county and township treasurers, are hereby specially imposed upon constables also; provided, that it shall be lawful for any person of full age to enter complaint and institute suit for a violation of any of the provisions of this act, or the act to which this is an amendment.

Any person may make complaint.

Meaning of the 22d section of the act of 1835.

SEC. 3. That the words, "other authentic matter," as used in the twenty second section of the act entitled "an act for the punishment of crimes," passed March seventh, one thousand eight hundred and thirty five, shall be construed to include licenses to pedlers and all licenses or certificates whatsoever authorized to be granted or issued by any law of the state.

Conflicting laws repealed.

SEC. 4. All laws and parts of laws conflicting with the provisions of this act are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To amend the act entitled "An act fixing the times of holding the Courts of Common Pleas," passed February 2, A. D., 1843.

Time of holding court of common pleas in Gallia county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas within and for the county of Gallia, shall be held on the twenty fourth day of July, instead of the twenty seventh day of July, as is provided in the "act fixing the times of holding the courts of common pleas," passed February second, A. D., one thousand eight hundred and forty three.

SEC. 2. The court of common pleas within and for the county of Franklin, shall be held on the twenty fifth day of September, instead of the twenty first, as is provided for in said act. That the court of common pleas in Coshocton county shall be holden on the twentieth day of March, the nineteenth day of June and the sixteenth day of October. The court of common pleas in Muskingum county shall be held on the twenty seventh day of February, the twenty sixth day of June, and the eighteenth day of September. The court of common pleas in the county of Perry shall be holden on the fourth day of April, the twelfth day of June, and the fourth day of September. In Franklin; Coshocton; Muskingum; Perry.

SEC. 3. That the court of common pleas in the thirteenth circuit shall be held, in the county of Lucas, on the twentieth day of March, the fifth day of June, and the first day of September; in the county of Wood, on the thirteenth day of March and twenty third day of October; in the county of Henry on the third day of April and eleventh day of September; in the county of Williams, on the tenth day of April and eighteenth day of September; in the county of Paulding, on the seventeenth day of April and the twenty fifth day of September; in the county of Putnam, on the twenty fourth day of April and the twenty seventh day of September; in the county of Vanwert, on the first day of May and the second day of October; in the county of Allen, on the eighth day of May and the fifth day of October; in the county of Hardin, on the fifteenth day of May and the eleventh day of October; in the county of Hancock, on the twenty second day of May and the seventeenth day of October. In the thirteenth circuit.

SEC. 4. That the court of common pleas shall be held, in the county of Carroll, in the fifth circuit, on the twenty third day of October, in lieu of the ninth day of October. In the county of Carroll.

SEC. 5. That so much of the act, to which this is an amendment, as conflicts with the provisions of this act, be and the same is hereby repealed. Repealing clause

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To amend an act entitled "An act prescribing the duties of County Auditors," passed March 23, 1840.

Property destroyed by fire, released from taxation.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any building, or any personal property, assessed for taxation on the duplicate of the county auditor, shall be consumed by fire, or otherwise destroyed, after the time the tax is assessed and before it is collected, it shall be the duty of the auditor of the county to deduct from the duplicate the proper proportion of tax for the building so destroyed.

Taxes remitted in certain cases.

SEC. 2. The county commissioners are hereby authorized and required, on the application of any person interested, to remit and refund the proper proportion of taxes heretofore assessed upon any real estate, when the building thereon has been consumed by fire, or otherwise destroyed, before the taxes thereon assessed were paid.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To repeal the act entitled "An act declaratory of the forty sixth section of the act entitled 'an act relating to wills,'" passed March 7th, 1842.

Act repealed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act declaratory of the forty sixth section of the act relating to wills," passed March seventh, one thousand eight hundred and forty, be and the same is hereby repealed; and the said forty sixth section of the act entitled "an act relating to wills," be and the same is hereby revived.

Section revived.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To regulate the admission of testimony and dispense with proof in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all civil actions and criminal prosecutions, whenever it shall be material in such action or prosecution, in support of the same, to prove that the state of Ohio has title to, or, is in possession of, any section, tract, lot, or parcel of land, granted by an act of congress entitled "an act to grant a certain quantity of land to the state of Indiana, for the purpose of aiding said state in opening a canal to connect the waters of the Wabash river with those of Lake Erie," passed March second, one thousand eight hundred and twenty seven, and which were, by the state of Indiana, transferred to the state of Ohio, by a joint resolution of the general assembly of the said state of Indiana, approved February first, one thousand eight hundred and thirty four, the certificate of the secretary of the state of Ohio, under the seal of the state, setting forth that such section, tract, lot, or parcel of land, belongs to the state of Ohio, shall, in all such actions and prosecutions be sufficient prima facia evidence that the title to such section, tract, lot or parcel of land is in the state of Ohio, and that the said state of Ohio is in possession thereof; any law or usage to the contrary, notwithstanding.

How title of the state to Wabash and Erie canal lands proved.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To amend the act entitled "An act providing for the collection of claims against Steamboats and other water crafts, and authorizing proceedings against the same by name," passed February 26, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all suits or actions instituted under the provisions of the act entitled "an act providing for the collection of claims against steamboats and other water crafts, and authorizing proceedings against the same by name," passed February twenty sixth, one thousand eight hundred and forty, when the clerk of any court of record, or justice of the peace in this state, shall issue a warrant or other writ, directing the seizure of any steamboat, or such apparel or furniture as may be necessary to satisfy the demand for which such warrant or other writ issued, it shall not be deemed the duty of the sheriff, constable or other officer, to whom said warrant or other writ is directed, to attach, levy upon, take possession of, or detain

Sheriff not to levy on execution till plaintiff has advanced expenses of detention, etc.

such steamboat or other craft, apparel or furniture, until the plaintiff or plaintiffs, his, her, or their agent or attorney, shall pay to said sheriff or other officer, such sum of money as may be deemed reasonable and necessary to defray all necessary expenses in taking charge of, detaining and securing said steamboat or other craft, apparel or furniture, as aforesaid.

Pay of sheriff's assistant.

SEC. 2. That in no case shall the sheriff or other officer pay to any person, employed by him to aid and assist in the duties necessarily devolving on said officer, under the provisions of the act, to which this is an amendment, a greater sum than two dollars per day, for the time such person is employed, as aforesaid.

Sheriff to return account of expenses.

SEC. 3. That it shall be the duty of such sheriff or other officer to return with the writ, aforesaid, an account of the expenses incurred by him in the discharge of his duties, aforesaid; and if the amount paid into his hands, prior to the execution of such writ, is of greater amount than the sum so expended, he shall pay the balance, in his hands, to the plaintiff or his attorney; but if the amount so paid to said officer, as aforesaid, should be insufficient to defray the expenses, aforesaid, then the plaintiff, his, her, or their agent or attorney, shall forthwith pay the balance of said claim to the officer entitled thereto.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To amend the act entitled "An act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of Courts, and to provide for the regulation of corporations generally," passed March 7, 1842.

Suit shall not abate by dissolution.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no suit or action, either at law or in chancery, pending in any court, in favor or against any banking or other corporation, shall be discontinued, or abate by the dissolution of such corporation, whether such dissolution occur by the expiration of its charter, or otherwise; but all such suits or actions may, in all courts of justice, be prosecuted by the creditors, assignees, receivers or trustees, having the legal charge of the assets of such dissolved corporation, to final judgment or decree, in the corporate name of such dissolved corporation.

Execution may be had after dissolution.

SEC. 2. That upon all judgments and decrees in favor or against any such corporation, whether such judgments and decrees exist at the time of the dissolution of such corporations, or are obtained afterwards, in suits or actions pending at the time of such dissolution, execution may be had, and satisfaction or performance of the same be enforced by the creditors, as-

signees, receivers, or trustees, having the legal charge of the assets of such dissolved corporation, in the corporate name of such dissolved corporation.

Suits that have abated by dissolution may be revived.

SEC. 3. That all suits and actions, both at law and in equity, pending, wherein any such dissolved corporation may be, or may have been party, which may have abated prior to the passage of this act, by means of the dissolution of such corporation, shall be, and are hereby revived, and shall be proceeded in by the creditors, assignees, receivers or trustees, having the legal charge of the assets of such dissolved corporation, in the name of such corporation, in all respects as if such abatement had not occurred.

Title of real estate to pass to trustees.

SEC. 4. That the title of all real estate belonging to any such corporation shall, at the time of the dissolution of the same, pass to the trustees of such corporation, who shall have full power and authority to sell and dispose of any such real estate, in such manner, and upon such terms, as may be thought best for the interest of the creditors and stockholders, and, upon any such sale, to make a good and sufficient title therefor.

Trustees subject to control of court of chancery;

SEC. 5. That the trustees of any such dissolved corporation shall be subject to the control of the court of chancery, and be liable to be sued, by petition in chancery, on behalf of any person interested, on account of any neglect or omission of duty, or abuse of trust; and in case of the removal of any such trustee, by such court, for an abuse of trust, such court shall have power and authority to appoint a suitable person to fill the vacancy; and any such trustee may, for reasonable cause, upon the application of any creditor or stockholder, be required by the court of common pleas to give bond and security, in such amount, and subject to such conditions, as the court may direct.

—May be required to give bond.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To amend the act fixing the times of holding the Supreme Court for the year 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supreme court shall be held in the county of Cuyahoga on the ninth day of August; any thing in the act, to which this is an amendment, to the contrary, notwithstanding.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To reorganize the Board of Canal Fund Commissioners, and to provide for an investigation into the affairs of said Board.

Constitution of the board.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of commissioners of the canal fund shall hereafter consist of one acting commissioner, and the auditor and treasurer of state, as advisory members of the board. That the acting commissioner of the board shall be elected by joint ballot of the general assembly, and hold his office for the term of three years, subject to removal, at any time, by joint resolution of the general assembly; and it shall be the duty of the acting commissioner, with the advice and concurrence of the other members of the board, to perform all and singular the duties enjoined on the board of commissioners of the canal fund.

Acting commissioner to give bond;

SEC. 2. Prior to entering upon the duties of his office, the acting commissioner shall give bond with good and sufficient security, to the satisfaction and acceptance of the governor of this state, in the sum of two hundred thousand dollars, payable to the state of Ohio, and conditioned for the faithful discharge of his duties, and for the faithful accounting for and paying over, according to law, all moneys intrusted to him, as such acting commissioner; and, also, he shall take and subscribe an oath, or affirmation, in writing, faithfully to discharge the duties of his office according to law; which bond and oath, or affirmation, shall be deposited with the secretary of state, and the governor of this state may, at any time, require the acting commissioner, during his continuance in office, to give additional bond, with good and sufficient security, for the complete indemnity of the State, whenever he shall deem that the increased responsibilities of the acting commissioner shall make the same necessary.

—To subscribe an oath.

Additional bond.

Governor to fill vacancy.

SEC. 3. If a vacancy occur in the office of acting commissioner, by death, resignation, or otherwise, at a time when the general assembly is not in session, or, if at a time when the general assembly is in session, and the general assembly shall fail to appoint, the governor shall appoint a suitable person acting commissioner, pro tempore, who, upon giving bond, and taking the oath, or affirmation, aforesaid, shall perform all the duties of said office until the next succeeding session of the general assembly, and until his successor is elected and qualified.

Duty of acting commissioner;

SEC. 4. The acting commissioner shall keep correct and regular entries and accounts with the auditor of state, and also with each acting commissioner of the public works, and settle with each one of said officers, semi-annually, on the fifteenth days of May and November.

—Same subject;

SEC. 5. The acting commissioner shall keep a complete and full journal of all the proceedings and orders of the board of commissioners of the canal fund, together with all necessary

books of inscription and transfer, and a record of all certificates of the public debt, and other papers issued or made by order of the board; and, if it shall be found necessary, said commissioners may appoint one clerk to assist the acting commissioner, who shall be entitled to a reasonable compensation for his services, to be fixed by the board, and upon their certificate, every three months, the same shall be allowed by the auditor of state, and be paid, on his warrant, by the treasurer of state. —May employ a clerk.

SEC. 6. All the books, records, and papers of the office of the commissioners of the canal fund, shall be kept at the office of the acting commissioner, at the seat of government of this State. Where records to be kept.

SEC. 7. All the books, journals, records, documents, and papers whatsoever, kept by the acting commissioner, shall, at all times, be subject to the examination of the governor, auditor of state, treasurer of state, and any member of the general assembly; and the commissioners of the canal fund shall report, annually, to the general assembly, on all matters on which the commissioners of the canal fund are now required, by law, to report, or which may hereafter be provided by law, and also make such other reports as may be required, at any time, by either branch of the general assembly. Books subject to examination. Annual report.

SEC. 8. The acting commissioner shall be allowed one thousand dollars per annum, and also his proper and necessary incidental expenses in traveling, which expenses shall, upon the presentation of a regular account current, attested by affidavit, and, together with his salary, shall be paid quarterly, upon the warrant of the auditor, by the treasurer of state. Salary of acting commissioner.

SEC. 9. The present commissioners of the canal fund shall, on the third Monday of March, one thousand eight hundred and forty three, pay over to the acting commissioner all funds and assets, of every description, belonging to the state, under their control or management, and deliver and assign the same over to the custody and control of the acting commissioner; also, the commissioners of the canal fund shall deliver and assign over, to the acting commissioner, all books, records, journals, maps, charts, surveys, estimates, reports, and papers, whatsoever, or other property in their knowledge or possession, custody or power, or that of their agent or agents, or clerks, pertaining to their office, or in which the state has an interest, property, or right. Present commissioners to transfer books and property.

SEC. 10. The new board of commissioners of the canal fund shall enter upon the duties of their office on the third Monday of March, one thousand eight hundred and forty three, and the acting commissioner, with the advice and concurrence of the treasurer and auditor of state, shall perform and fulfill all and singular the duties required by any law of this State, or joint resolution, in any manner whatever to be performed or fulfilled by the commissioners of the canal fund, and the acting commissioner is hereby required, authorized, and fully empowered, under the advice, and with the concurrence aforesaid, faith- Date of service. Duties prescribed.

fully to pay the interest on the funded debt of this State, and redeem, according to law, all the valid certificates of the public debt which have been issued or created, on the part of this state, and to preserve to the extent of his power, the faith and credit of the state; for which purpose he may, with the concurrence of the other members of the board, execute and deliver, in behalf of this state, all certificates of the public debt, in the manner provided for by this act, all necessary instruments of writing or papers, and make all the necessary arrangements which the commissioners of the canal fund have, by law, power to make; and, also, the acting commissioner shall, as aforesaid, perform all other duties, of every description, which the commissioners of the canal fund are now, or might be hereafter, lawfully required to do, as well as other duties which he may be, by law, required to perform, either with or without such concurrence.

Payment of money;

SEC. 11. All moneys paid into the treasury, and which are, by law, subject to the control of the commissioners of the canal fund, shall be paid therefrom as moneys are now paid, and all drafts of the commissioners of the canal fund, for the payment of such moneys, shall be signed by the acting commissioner and at least one of the advisory members of said board, and the accounts of the expenditures of all such moneys, shall be kept as under the present law, and reported to the general assembly by the auditor of state.

—Same subject.

SEC. 12. All receipts or disbursements of the public money, upon the public works, and for the payment of interest on the public debt, shall, in all things, be conducted by said acting commissioner, treasurer, and auditor of state, in accordance with the provisions of the act to regulate the receipt and disbursement of the canal fund, passed March twenty three, one thousand eight hundred and forty.

Auditor's reports.

SEC. 13. All reports or notifications, which it is now made the duty of the auditor of state to make or give to the commissioners of the canal fund, shall be given to the commissioners of the canal fund, by leaving the same in writing at the office of the acting commissioner.

Office to be opened in New York.

SEC. 14. It shall be the duty of the commissioners of the canal fund to select some safe office or place, in the city of New York, at which the interest on the public debt shall be paid, and they shall appoint some competent person to keep transfer books, in said city, under such rules and regulations as they may adopt, in conformity with the existing laws and contracts of this State.

To act as commissioners of sinking fund.

SEC. 15. The commissioners of the canal fund shall act as commissioners of the sinking fund, and shall, from time to time, apply all moneys, arising to the credit of the said fund, to the purchase of, or investment in, the public debt of this state, and to no other use or purpose whatever.

To investigate transactions of former board.

SEC. 16. That it shall be the duty of the board of canal fund commissioners, appointed under the provisions of this act,

to proceed to a full investigation of all the accounts and transactions of any former member or members of the board, and, for this purpose, they are hereby invested with full and plenary powers; and the said canal fund commissioners shall make a full report of such investigation to the governor of this state, who, upon the receipt of such report, shall, if he deem proper so to do, be and he is hereby invested with full and plenary powers to prosecute a suit or suits against any former member or members of said board, in any court of this state of competent jurisdiction.

Governor may prosecute suit.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To amend the act entitled "An act making further provisions for the instruction of the Blind.

Clause, restricting the number of indigent pupils, repealed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the fourth section of the act entitled "an act making further provisions for the instruction of the blind," passed March tenth, one thousand eight hundred and thirty eight, as prohibits the trustees of said asylum from admitting a greater number than twelve indigent pupils into said asylum in any one year, at the expense of the state, be and the same is hereby repealed, and the trustees, aforesaid, are hereby authorized to admit as many suitable pupils, under the provisions of the several acts relating to the asylum for the instruction of the blind, as in their discretion they shall deem necessary and proper.

Pupils may continue longer than five years.

SEC. 2. That the trustees of said asylum be and they are hereby authorized to continue in said institution, for a longer period than five years, such pupils as may, at the expiration of said five years, be too young to be safely discharged, or may receive material advantage by a longer residence therein, any thing in the act, to which this is an amendment, to the contrary, notwithstanding; provided that the additional time shall, in no case, exceed the term of two years.

Persons, received over 21, to learn trades;

SEC. 3. That the trustees, aforesaid, be and they are hereby authorized to receive into said institution, indigent persons of suitable character, over the age of twenty one years, on the same terms as other pupils are admitted, for the purpose of learning some trade or business, which is taught therein, for

—May remain as long as useful.

the term of two years; and the trustees may continue those who have learned such trade and business, so long as it shall be useful and profitable for such institution.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To authorize County Commissioners, in any county in this State, adjoining to, or bounded by, the States of Pennsylvania, Michigan or Indiana, to lay out and establish county roads on the line of this State, thirty feet in width.

Roads on state lines to be only thirty feet wide.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county in this state, adjoining to, or bounded by, the states of Pennsylvania, Michigan or Indiana, be and they are hereby authorized, upon application being made to them, as required by the provisions of the act entitled "an act for opening and regulating roads and highways," passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March fourteenth, one thousand eight hundred and thirty six, for the establishing of any county road on, or adjoining to, the line dividing this state from either of the states aforesaid, to order and direct that said road, when laid out and established, shall be only thirty feet in width.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To amend the act entitled "An act fixing the times of holding the Courts of Common Pleas."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the spring term of the court of common pleas shall be held in the county of Shelby, on the twenty second day of May, instead of the sixteenth day of May.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

Further to amend the act entitled "An act for the support and better regulation of Common Schools, and to create permanently the office of Superintendent," passed March 7, 1838.

Collection of judgments against school districts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where a judgment at law, or a decree in chancery, for the payment of money, shall have been obtained against any school district in the state, for the land on which to build a schoolhouse, or for the building a schoolhouse, or for any labor or materials furnished for the building, repairing, or furnishing such schoolhouse, it shall be lawful for the plaintiff to deliver to the county auditor a transcript of said judgment or decree; and it shall be the duty of such county auditor, to levy the amount of said judgment or decree, and costs, on the taxable property of said district, in the next annual duplicate; and it shall be the duty of the county treasurer, to pay over to such plaintiff the amount of such judgment, and costs, when collected.

Teachers' certificate to draw money.

SEC. 2. That when any school district in this state shall be composed of parts of townships, lying in two or more counties, a certificate from the board of examiners, in either county, shall be sufficient to enable a teacher to draw the public money, in each township, in the same manner as he would be entitled to do, did such district lay in the same county, entire.

School districts; how altered or abolished.

SEC. 3. That whenever public convenience requires the alteration of a school district, which is formed of portions of two or more townships, whether such townships are in the same county or not, it shall be lawful for any householder in said district to post up notices, in writing, at two public places in the fractional part of each township composing said district, and on the door of the schoolhouse in said district, at least ten days before a meeting shall be held for that purpose, specifying that there will be a meeting of the trustees of said township, for the purpose of making alterations in said district, or for abolishing the same, as the case may be; and it shall be the duty of the trustees of said township, on being notified, to attend at the time and place specified in the notice; and, when so met, said trustees shall have authority to alter or abolish such district, as the public good may require, provided that the concurrence of a majority of the trustees of each township shall be necessary to alter or abolish any such district.

Return of clerks' enumeration.

SEC. 4. When a district shall be composed of territory situated in two or more counties, the clerks of the district shall return the enumeration of children to the clerk of the respective townships, in which they may reside; and the funds shall be distributed, by the county auditor, to such fractional part of a district, subject to the order of the officers of the district, as in other cases.

Concerning unnaturalized voters.

SEC. 5. That the 19th section of the act entitled "an act to amend an act entitled 'an act for the support and better regu-

—May remain as long as useful.

the term of two years; and the * permanently the office who have learned such trade sixteen, one thousand eight be useful and profitable fo- be so construed as to exclude therein named, from voting, according to law, to become but who have not yet taken out

March 11, 1[8]

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

Roads on lines to thirty f

To amend the act entitled "An act for the regulation of Turnpike Companies," passed March 27, 1841.

Turnpike companies may enter upon unclosed lands.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every turnpike road company, in this state, is hereby authorized to enter upon any uninclosed or wood land, or inclosed land which is not susceptible of cultivation, near to, or adjoining, any turnpike road, and dig or quarry, and carry away, any stone, gravel or sand, that may be necessary to complete or repair any such turnpike road.

Duty of company to give notice to owners;

SEC. 2. It shall be the duty of every such company, their agent or contractor, to give notice to the owner or occupier of such land, of such their intention to take materials, as aforesaid; and the owner or occupier of such land may designate or point out to said company, their agent or contractor, the place adjacent to such road, where such owner or occupier may choose to have such materials taken; and if such owner or occupier

—But if owners refuse to designate,

shall refuse to designate a place for procuring such materials, or shall designate a place where such materials cannot be conveniently procured, it shall be lawful for such company, their agent or contractor, to procure and take such materials, doing as little damage as possible to such lands, and paying the owner or occupier of any such lands, a fair compensation, in money, for such materials, and for any damage that may be done in

Manner of determining damages,

procuring and removing said materials; and if any difference should arise between any such company, their agent or contractor, and the owner or occupier of such land, as to the value of such materials, or the amount of damages in procuring said materials, and carrying them off, the same shall be determined by three disinterested freeholders of the county, to be mutually chosen by the parties; and the amount allowed by said arbitrators shall be paid or secured, to the satisfaction of the owner or occupiers, to be paid by such company, their agent or contractor, before entering on such lands to take and carry away

rials; and if the value of said materials or damages, so determined by arbitrators, shall exceed the amount offered by such company, their agent or contractor, they, their agent or contractor, shall pay the costs of such arbitration; but if the value of such materesaid, so determined by arbitrators, shall be no than had previously been offered by such company, their agent or contractor, then, and in that case, the owner or occupier of such land, shall pay the cost and expense of such arbitration; provided, however, that either party, by giving at least ten days' notice to the other, may have the subject referred again, at any time within one year from the date of the last previous award between them; and all such awards shall be binding between such companies, and the owner or occupier of such lands, until the date of a subsequent award, agreeably to this proviso, or some other mutual agreement; provided, that if either party fail or refuse to select, or the parties fail to agree upon arbitrators, either party may apply to any justice of the peace to name an arbitrator or arbitrators, in the place of such one or more disagreed upon.

If the award exceeds the company's offer;

—If no more.

Second awards within one year.

Sec. 3. It shall be the duty of arbitrators, chosen under the provisions of the preceding section, before making up an award, to take a personal view of the premises.

Arbitrators to view the premises.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To preserve the Constitutional quorum of the General Assembly of the State of Ohio.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no resignation of a member of the general assembly of the state of Ohio, which shall be tendered during the actual session of the general assembly, shall be valid, or of any effect, until the branch, of which the person tendering such resignation is a member, shall have accepted the same, by a vote of a majority of the members of such branch, exclusive of the person or persons tendering such resignation; provided that the provisions in this bill shall apply only to such resignations as are tendered during the sitting of the legislature.

Resignations to be accepted by vote of a majority.

Proviso.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

Declaratory of the meaning of the thirteenth section of an act entitled "An act to incorporate the original surveyed townships," passed March 14, 1831.

WHEREAS, doubts exist as to the true intent and meaning of the thirteenth section of an act entitled "an act to incorporate the original surveyed townships," passed March fourteenth, one thousand eight hundred and thirty one; therefore, to remove such doubts,

Religious societies to produce a list of members.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it is the true intent and meaning of the said thirteenth section, that each and every denomination of religious societies, after having given themselves a name, shall appoint an agent, who shall produce to the trustees a certificate, containing a list of the names, and number, of all persons, over fifteen years of age, who belong to such religious societies, as members, and are citizens of such township.

Township treasurer to give bond.

SEC. 2. The treasurer of any original surveyed township in this state shall, before entering upon the duties of his office, give bond, with good security, to the acceptance of the trustees, in the penalty of not less than five hundred dollars, payable to the state of Ohio, for the use of the proper township, conditioned that the said treasurer shall faithfully discharge the duties of his said office, and pay over all moneys which shall come to his hands by virtue of the same, which bond shall remain with the trustees.

Fine for refusing to serve.

SEC. 3. Any person who shall have been duly elected trustee or treasurer of any original surveyed township, and shall refuse to accept such office, by qualifying himself therefor, within ten days after said election, shall forfeit and pay the sum of five dollars, to be recovered in an action of debt, in the name of the state of Ohio, for the use of the township; and it is made the duty of the treasurer to sue for, and collect the same; provided that no person shall be required to serve more than one term, in any nine consecutive years.

Term of leases.

SEC. 4. Leases may be granted, by the trustees of any original surveyed township, for a term of not exceeding fourteen years, of any unimproved lands, and for improved lands, for a term not exceeding ten years.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To provide for the sale of the Monroeville and Sandusky City Railroad, under the lien of the State, and to discharge the State of Ohio from all further liability to certain Railroad Companies, therein named.

WHEREAS, by an act of the general assembly, passed March nine, one thousand eight hundred and thirty five, a company was incorporated, who were authorized to construct a railroad from Sandusky City to Monroeville; and, by an amendatory act, passed March twenty, one thousand eight hundred and forty one, they were authorized to extend said road, so as to connect the same with the Mansfield and New Haven railroad, and, under said charter, have constructed a railroad from Sandusky City to Monroeville; and, whereas, the said company have failed to pay the interest due on a loan of credit, received by said company to aid in the construction of said road, under the provisions of "an act to authorize a loan of credit by the state of Ohio to railroad companies, and to authorize subscriptions by the state to the capital stock of turnpike, canal, and slackwater navigation companies," passed March twenty four, one thousand eight hundred and thirty seven, amounting to thirty three thousand three hundred and thirty three dollars; and, whereas, also, the Little Miami railroad company, and, also, the Mad River and Lake Erie railroad company, have also failed to pay the interest due on certain loans of credit, received by them to aid in the construction of their respective railroads, under the authority of the same laws; therefore, to avoid further drains upon the treasury of the state by said companies,

Works, etc., of said road to be sold.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are hereby authorized and required, at the earliest day practicable, to sell all of the works, consisting of the road, engines, cars and fixtures, and the capital stock, estate, and rights to future tolls and profits of the Monroeville and Sandusky City railroad company, or such portions thereof as may be necessary to raise the amount of the loan of credit made to said company, together with the interest thereon.

Place of sale.

SEC. 2. The sale shall be made at the town of Mansfield, in Richland county, after giving at least thirty days' notice, in a newspaper printed in each of the counties of Richland, Huron and Erie, and with the following conditions:

Proceeds.

First: The proceeds of the sale shall not be less than thirty three thousand three hundred and thirty three dollars.

Rights of purchaser.

Second: The person or persons to whom the sale shall be made, shall, by the purchase, be invested with all the rights, privileges and immunities, conferred by the state in the charter, and amendments thereto, of the Monroeville and Sandusky City railroad company.

Investment of proceeds of sale.

Third: The amount of the sale shall be invested in the stock of the Monroeville and Sandusky City railroad, and expended in the construction of the extension of said road, from Monroeville to New Haven, by the purchaser or purchasers, who shall execute, to the state of Ohio, bonds, with security, to the satisfaction of the board of public works, conditioned for the faithful expenditure of the amount of the sale, agreeably to the provisions of this act, and the completion of the railroad, from Monroeville to New Haven, within two years from the date of such bonds; and the state shall thereby be entitled to an amount of stock in said road equal to the amount of said investment.

Mansfield and New Haven railroad company may purchase.

Sec. 3. That the Mansfield and New Haven railroad company may become the purchaser at the sale, if the highest bidder; in which case, the capital stock of said Mansfield and New Haven railroad company shall be increased, by an addition, to the amount of the capital stock of the said Monroeville and Sandusky City railroad company; and, also, in which case, the rights and immunities of the said Mansfield and New Haven railroad company shall extend from Mansfield, in Richland county, to Sandusky City, in Erie county, and be entitled and known as the Mansfield and Sandusky City railroad company. And, if the Mansfield and New Haven railroad company shall become the purchaser at said sale, in lieu of the mode pointed out in the third division of the preceding section, the amount of the sale shall be paid by the said Mansfield and New Haven railroad company, by setting apart to the state, stock to the amount of thirty three thousand three hundred and thirty three dollars, to be divided into shares of fifty dollars each, as so much capital stock in the said Mansfield and Sandusky City railroad company, fully paid up, and upon which the state shall not be under any liability to make any further payments, but be entitled to dividends thereon, after the completion of the road, as any other stockholder.

Company to make dividend, annually.

Sec. 4. That after said Mansfield and Sandusky City railroad shall be completed, from Sandusky City to New Haven, and in operation, the company shall, annually, on the first day of January, make and declare a dividend of the net proceeds of said road; and the state's proportion of said dividend shall, within thirty days, be paid into the state treasury. And the same dividends shall be declared, upon the completion of said road to New Haven, and, within the same period of thirty days, paid into the state treasury, in case any other person or company, than the said Mansfield and New Haven company, should become the purchaser at such sale; and, in case the aforesaid dividend should not be declared, and the state's proportion of the net proceeds on the stock should not be paid into the state treasury, within the period aforesaid, it shall be the duty of the auditor of state to institute a suit against the proper company, to recover the same.

If dividend not declared and paid, auditor of state to institute suit.

Loans of credit to be set apart, as stock to the state.

SEC. 5. That the amount of all loans of credit, heretofore made by the state of Ohio, to the Little Miami railroad company, and to the Mad River and Lake Erie railroad company, under the provisions of an act entitled "an act to authorize a loan of credit by the state to railroad companies, and to authorize subscriptions to the capital stock of turnpike, canal, and slackwater navigation companies," passed March twenty fourth, one thousand eight hundred and thirty seven, together with the interest, which is now due, and unpaid thereon, shall be, by the officers of the respective companies, set apart as stock to the state of Ohio, in shares of fifty dollars, fully paid up, for which certificates shall be made out by each of the above named companies, and deposited with the auditor of state.

Additional stock to be set apart to the state.

SEC. 6. That until sixty miles of the Mad River and Lake Erie railroad are completed, the officers of said company shall, annually, on the first day of January, set apart, to the state, additional stock, at the rate of six per centum per annum, on the sum of two hundred and seventy thousand dollars, for which certificates shall, in like manner, be made out and deposited with the auditor of state.

Same as to Little Miami railroad company.

SEC. 7. That until sixty miles of the Little Miami railroad are completed, the officers of said company shall, annually, on the first day of January, set apart, to the state, additional stock, at the rate of six per centum per annum, on the sum of one hundred and fifteen thousand dollars, for which certificates of stock shall be made out and deposited, as aforesaid.

When sixty miles are completed.

SEC. 8. That so soon as the two last named companies shall have completed said roads, the distances named in the preceding section of this act, they shall, on the first Monday of January, annually, make and declare a dividend of the net profits of said road, which dividend, on the state stock, shall be paid into the state treasury within thirty days.

SEC. 9. That when the Mad River and Lake Erie railroad shall be completed sixty miles, and the Little Miami railroad shall be completed sixty miles, the interest of the state, in said roads, shall be as any other stockholders.

Stock of the state not to be mortgaged.

SEC. 10. That neither of said companies shall ever, in any way, pledge or mortgage the stock of the state in said companies, nor shall the stock of the state be subject to the payment of any debt, judgment or decree, against either of said companies, nor shall the state dividends be appropriated to the extension of said roads.

Said companies may sell real estate.

SEC. 11. That said companies, except the Monroeville and Sandusky City railroad company, are hereby authorized to sell any real estate, and other property, not necessary for depots or permanent fixtures for said road, and apply the proceeds of such sales to the prosecution of said road, and for the payment of debts.

Companies to file acceptance of the

SEC. 12. That if either of the companies, herein named, shall accept the provisions of this act, they shall file a written

provisions of this act.

agreement, signed by the president, and a majority of the directors of the company, accepting, under the seal of the company, with the auditor of state, and, at the same time, file a certificate for the state stock, as hereinbefore provided; and such acceptance shall forever release the state of Ohio from all liability to loan its credit, bonds or certificate of stock, to either of said companies; provided, that before the said Little Miami railroad company, and the said Mad River and Lake Erie railroad company, shall avail themselves of the provisions of this act, they shall pay all judgments, decrees, and adjusted demands against them, respectively, for property taken, or damages done, in the construction of their respective roads, or, otherwise, secure the payment of the same, to the satisfaction of the persons interested.

Governor to vote.

SEC. 13. That the governor shall have the right to vote, by himself or proxy, on the stock of the state, in either of said companies, in the same manner, and under the same restrictions, that other stockholders vote in said companies.

Right of Mad River company to iron laid down.

SEC. 14. That nothing in this act shall be so construed as to prejudice the right of the Mad River and Lake Erie railroad company, (if such right exist,) as a superior right, to the lien of the state, on the property and works of the Monroeville and Sandusky City railroad, to the iron laid down on the Monroeville and Sandusky City railroad.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To create a lien in favor of Mechanics, and others, in certain cases.

Person performing labor, &c., in certain cases to have a lien.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person who shall perform labor, or furnish materials, or machinery, for constructing, altering, or repairing any boat, vessel, or other water craft, or for erecting or repairing any house, mill, manufactory, or other building, or appurtenance, by virtue of a contract or agreement with the owner thereof, shall have a lien, to secure the payment of the same, upon such boat, vessel, or other water craft, and upon such house, mill, manufactory, or other building, or appurtenance, and the lot of land upon which the same shall stand.

Mechanics, &c, doing work, in certain cases to furnish account of labor done.

SEC. 2. That every mechanic, or other person, doing or performing any work toward the erection or repair of any house, mill, manufactory, or other building, or appurtenance, or the construction, alteration, or repair of any boat, vessel, or

other water craft, erected under a contract between the owner thereof and builder, or other person, whether such work shall be performed as journeyman, laborer, carman, subcontractor, or otherwise, or any person who shall furnish materials for the construction of such building or vessel, whose demands, for work so done, or materials so furnished, has not been paid and satisfied, may deliver to the owner of such building or vessel an attested account of the amount and value of the work and labor thus performed, or the materials thus furnished, and remaining unpaid; and, thereupon, such owner shall retain, out of his subsequent payments to the contractor, the amount of such work and labor, for the benefit of the person so performing the same.

Owner to retain the amount.

Owner to ascertain amount due.

Sec. 3. Whenever any account of labor performed, or materials furnished, as referred to in the preceding section, shall be placed in the hands of the owner of any building or vessel, as above stated, or his authorized agent, it shall be the duty of such owner, or agent, to furnish his contractor with a copy of such papers, so that, if there be any disagreement between such contractor and his creditor, they may, by amicable adjustment, or, by arbitration, ascertain the true sum due; and if the contractor shall not, within ten days after the receipt of such papers, give the owner written notice that he intends to dispute the claim; or, if, in ten days after giving such notice, he shall refuse, or neglect, to have the matter adjusted, as aforesaid, he shall be considered as assenting to the demand, and the owner shall pay the same when it becomes due.

How to adjust disputed claims.

Sec. 4. If the contractor shall dispute the claim of his journeyman, or other person, for work done, or materials furnished, as aforesaid, and the matter cannot be adjusted between themselves, it shall be submitted to the arbitrament of three disinterested persons, one to be chosen by each of the parties, and one by the two thus chosen; and their decision, or the decision of any two of them, shall be conclusive in the case submitted.

If contractor shall fail to pay, owner to pay.

Sec. 5. When the account shall be adjusted, as above provided, and the contractor shall not, within ten days after it is so adjusted, pay the sum to his creditor, with the costs incurred, the owner shall pay the same out of the fund, as above provided; and which amount due may be recovered from the said owner, by the creditor of the said contractor, in an action for money had and received, to the use of said creditor, and to the extent, in value, of any balance due by the owner to his contractor, under the contract with him at the time of the notice first given as aforesaid, or, subsequently accruing to such contractor, under the same, if such amount shall be less than the sum due from said contractor to his creditor.

If contractor paid in advance.

Sec. 6. If, by collusion, or otherwise, the owner of any building erected by contract, as aforesaid, shall pay to his contractor any money, in advance of the sum due on said contract, and if the amount still due the contractor, after such payment has been made, shall be insufficient to satisfy the demand

made in conformity with the provisions of this act, for labor done, and materials furnished, the owner shall be liable to the amount that would have been due at the time of his receiving the account of such work or materials, in the same manner as if no such payment had been made.

Persons entitled to a lien to file account of labor, &c., with county recorder.

SEC. 7. That any person, entitled to a lien under this act, shall make an account, in writing, of the items of labor, skill, materials, and machinery furnished, or either of them, as the case may be, and, after making oath thereto, within four months from the time of performing such labor and skill, or furnishing such materials and machinery, shall file the same in the recorder's office of the county in which such labor, skill and materials, shall have been furnished, which account, so made and filed, shall be recorded in a separate book, to be provided by the recorder for that purpose, and shall, for two years after the commencement of such labor, or the furnishing of such materials, operate as a lien on the several descriptions of structures and buildings, and the lots on which they stand, in the first section of this act named. When any labor has been done, or materials furnished, or provided on a written contract, the same, or a copy thereof, shall be filed with the account herein required.

Persons holding lien may obtain judgment.

SEC. 8. That every person, or persons, holding such lien, may proceed to obtain a judgment for the amount of his or their account thereon, according to the course of legal proceedings in like cases; and when any suit, or suits, shall be commenced on such accounts, within the time of such lien, the lien shall continue until such suit or suits be finally determined and satisfied.

If owner shall suspend work, the laborers, &c., may proceed at their own costs.

SEC. 9. That when the owner or owners of any house or building, described in the first section of this act, shall suspend its progress or completion, without the consent of such laborers, mechanics, or furnishers, or, if the progress or completion of the same be suspended by the decease of the owner or owners, at a stage when, from its unfinished state, such structure would go to waste, the laborers, mechanics, and furnishers thereto, or any of them, may, at their election, proceed with the same at their own costs, so far as to inclose such building, and, thereby, prevent such waste, provided the work so done, after said suspension, shall be according to the contract, and the plan of the owner or owners.

If owner's title to ground defective;

SEC. 10. That if the person, or persons, who may erect, as owner, or owners, any building described in the first section of this act, be not, at the suspension or completion of the same, possessed of the legal, but equitable, title to the ground on which the same is erected, (if the same be a fixture,) and the fact of such defect of title be made to appear to the court, before whom any judgment, or judgments, under this act, may have been obtained; or, if the same be returned by any legal officer, to whom any execution, under this act, shall be directed, in either case, the court shall direct the officer who has re-

turned, or who is authorized by law to serve such execution, to rent or lease such building, or buildings, until the rents and issues thereof shall pay and satisfy the several liens on which judgments may be had against the same; provided this law shall not be so construed as to interfere with prior bona fide liens on grounds on which such building or buildings shall be erected, (if a fixture.)

Court may direct the rent of building thereon.

Proviso.

Sec. 11. That in all other cases of judgment, or judgments, obtained in favor of any lien holder, or holders, if the property, bound by such lien, will not sell on execution, as provided by law in other cases, having been once duly offered, the court, before whom such judgment, or judgments, may be obtained, may direct the officer aforesaid to lease the same, in the manner, and for the purpose, pointed out in the preceding section; and the officer, giving such lease or leases, shall therein require the payment to be made to him, or his successors in office, which successor, or successors, shall have the same power, and perform the same duties, therein, as the maker of the lease or leases should or could do; and, in cases where the money may be collected by said officer, on lease or leases made under this act, it shall be his duty, forthwith, to pay the same into court, where the judgment or judgments were obtained, which money shall be distributed to the several lienholders interested in said judgments, in proportion to their several demands.

If property will not sell on execution, money collected to be distributed to lienholders.

Sec. 12. That all lien, or liens, may be discharged by the payment of judgment or debt, with all legal costs, before the property, on which such lien or liens attach, be sold or leased under this act; and if any lienholder, or holders, after the same be duly tendered to him or them, shall proceed at law, or shall refuse to give a due discharge from such lien, then such lienholder, or holders, shall forfeit all lien, and pay all costs.

Liens may be discharged by payment of debt.

Sec. 13. That if the owner, or owners, of the property which is subject to a lien under this act, be without the reach of process, or resident without the State, any lienholder, or holders, may proceed, by attachment, against the same, as in other cases; and the court, before whom the same attachment is pending, on the entry of judgment on return of the proper officer, shall have the same power to order lease, or leases, as is given in the tenth and eleventh sections of this act.

If property without the reach of process.

Sec. 14. That executors and administrators, under this act, shall have the same rights, and be subject to the same liabilities, that their testator or intestate would, or might have, if living.

Liabilities of executors.

Sec. 15. That the county recorders, for filing and recording contracts and accounts, under this act, shall be paid the same fees that they are legally entitled to in other cases.

Recorder's fees.

Sec. 16. Each and every person, in favor of whom any such lien has existed, after receiving satisfaction of his or their debt, or, after final judgment against him or them by a competent tribunal, showing that nothing is due by reason of such claims, shall, at the request of any person interested in the

Certificate of removal of lien to be recorded.

property on which the same was a lien, or who is interested in having the lien removed, or of his or their legal representatives, lodge a certificate with said recorder, that said debt is satisfied, and said lien removed, which certificate shall be filed, and recorded, by the recorder, on the margin of the record, in the same manner that releases of mortgages are now, by law, required to be recorded; and, when so recorded, shall forever discharge and release said lien; and if such person or persons, having received such satisfaction as aforesaid, by himself or attorney, or judgment having been rendered him as aforesaid, shall not, within ten days after request, in writing, lodge a notice, in writing, with the recorder, as is prescribed in this section, he or they, neglecting or refusing so to do, shall forfeit and pay, to the party or parties so aggrieved, any sum of money, not exceeding one half the debt claimed, as a lien on such property, according to the circumstances of the case, to be recovered in an action of debt; and the party lodging such certificate as aforesaid, shall pay to the recorder twelve and a half cents, for recording each notice or certificate as aforesaid.

Forfeiture for neglect to file notice with recorder.

Recordor's fees.

Acts repealed.

SEC. 17. That an act entitled "an act to create a lien in certain cases," passed January first, one thousand eight hundred and twenty three, together with amendments to said act, passed, respectively, on the fifth day of February, one thousand eight hundred and thirty three, and on the twelfth of March, one thousand eight hundred and forty, be and the same are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To divide the State of Ohio into Congressional Districts.

Number of districts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That this state shall be divided into twenty one districts, for the election of representatives to congress, and each district shall choose one representative, in the manner following, to wit:

The county of Hamilton, shall compose the first congressional district;

The counties of Butler, Preble and Darke, shall compose the second district;

The counties of Warren, Montgomery, Clinton and Greene, shall compose the third district;

The counties of Miami, Clark, Champaign, Madison, Union and Logan, shall compose the fourth district;

The counties of Mercer, Vanwert, Paulding, Williams, Lucas, Henry, Putnam, Allen, Shelby and Hardin, shall compose the fifth district;

The counties of Wood, Hancock, Crawford, Seneca, Sandusky and Ottawa, shall compose the sixth district;

The counties of Clermont, Brown and Highland, shall compose the seventh district;

The counties of Adams, Pike, Jackson, Hocking and Ross, shall compose the eighth district;

The counties of Fayette, Pickaway and Fairfield, shall compose the ninth district;

The counties of Franklin, Licking and Knox, shall compose the tenth district;

The counties of Delaware, Marion and Richland, shall compose the eleventh district;

The counties of Scioto, Lawrence, Gallia, Meigs and Athens, shall compose the twelfth district;

The counties of Perry, Morgan and Washington, shall compose the thirteenth district;

The counties of Muskingum and Guernsey, shall compose the fourteenth district;

The counties of Monroe, Belmont and Harrison, shall compose the fifteenth district;

The counties of Holmes, Coshocton and Tuscarawas, shall compose the sixteenth district;

The counties of Jefferson, Carroll and Columbiana, shall compose the seventeenth district;

The counties of Stark and Wayne, shall compose the eighteenth district;

The counties of Trumbull, Portage and Summit, shall compose the nineteenth district;

The counties of Cuyahoga, Geauga, Lake and Ashtabula, shall compose the twentieth district;

The counties of Medina, Lorain, Huron and Erie, shall compose the twenty first district.

How new counties to be attached.

SEC. 2. That any county, which may hereafter be erected from counties being in more than one congressional district, shall, for the purpose of electing representatives in congress, be attached to such congressional district, as the legislature shall direct, at the time of erecting such county.

Representatives; how elected.

SEC. 3. That, at the annual election on the second Tuesday of October, eighteen hundred and forty three, the electors, within each congressional district in this state, shall vote for one eligible person, residing therein, to represent the state of Ohio in the congress of the United States, to serve, from the date of his election, until the fourth day of March, one thousand eight hundred and forty five; and, on the second Tuesday of October, one thousand eight hundred and forty four, and at every period of two years thereafter, the electors of each con-

gressional district shall vote for a suitable person, or persons, to represent this state in the congress of the United States, for the term of two years, to commence on the fourth day of March next thereafter.

How and where returns to be opened.

SEC. 4. That, within thirty days after the annual election on the second Tuesday of October, one thousand eight hundred and forty three, the governor and secretary of state, together with the treasurer of state, and auditor of state, shall meet in the senate chamber, in said city of Columbus, and proceed to open the returns, made to the secretary of state, in pursuance of the act to regulate elections, passed February eighteen, one thousand eight hundred and thirty one, for representatives in congress; and, in counting said returns, the governor and secretary of state, together with the treasurer of state and auditor of state, shall be governed, in all respects, by the provisions of the said act, entitled "an act to regulate elections," passed February eighteen, one thousand eight hundred and thirty one.

SEC. 5. That all elections, under this act, shall be held and conducted, in all respects, conformable to the provisions of the "act to preserve the purity of elections."

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To amend the act for the government of the Ohio Lunatic Asylum.

Patients found incurable, after two years, to be discharged.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the directors and superintendent of the Ohio Lunatic Asylum, are hereby authorized to discharge, to their proper counties, all such patients, under the care of said institution, who have been, or hereafter may be, found to be incurable, after the expiration of two years, under proper treatment, in such institution; provided, that in all such cases, said officers shall be clearly of opinion, either that such persons will not be dangerous to the peace and safety of community, or, that they can be suitably and comfortably provided for, and taken care of, in the poorhouses of the several counties to which they may respectively belong.

Preference to be given to recent cases.

SEC. 2. That until the completion of the additional buildings to said institution, authorized by this general assembly, the superintendent of said institution, in deciding upon applications for admission, may give preference to recent cases, that is, such as have not been deranged for a longer period than one year.

Discharged paupers; how readmitted.

SEC. 3. That in all cases when paupers are discharged from said institution as cured, and there shall be a recurrence of the

mental disease, the superintendent may readmit such person, upon the warrant of an associate judge of the proper county, attested by the clerk of the court of common pleas, under seal; and said warrant shall state that such individual is the same who had previously undergone legal proceedings in said county, and was duly committed; that the insanity has returned, and that, in the opinion of the judge and clerk, aforesaid, such person is still a pauper.

No preference to be given.

SEC. 4. That, in the admission of patients, hereafter, no special preference shall be given to paupers over pay patients.

Paupers to be provided, by sheriff, with proper clothing.

SEC. 5. In all cases where paupers are committed to the asylum, aforesaid, the sheriff of the county, making application for the same, shall, at the expense of the county, supply each patient with the following amount of clothing, which shall be brought to the institution along with the patient, viz: for male patients, at least two cotton shirts, a coat, vest and pantaloons, of strong woolen cloth, two pairs of woolen socks, one handkerchief, one black stock, a good hat, and a pair of shoes or boots; for females, at least the same quantity of under clothes, including shoes, stockings, and flannel skirt, a decent bonnet, and two substantial gowns or dresses; in both cases, the articles of clothing must be new, and in good condition, the woolens of a dark color.

Concerning cleanliness.

SEC. 6. The person of each and every pauper, offered for admission, must be perfectly clean and free from vermin, and infectious diseases.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To amend the act entitled "An act to amend the act entitled 'an act directing the mode of procedure in Chancery,' passed March 14th, 1838."

Orders of chancery court to be directed to sheriff.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all orders, for sale of lands or real estate, issued upon any interlocutory or final decrees, rendered by any court of chancery in the county of Hamilton, shall be directed to, and executed by, the sheriff of said county, and, in case of the inability of said sheriff, then said orders interlocutory, or final decrees, shall be directed to, and executed by, the officer who discharges the duties of sheriff in such cases; provided, that all sales which may hereafter have been made by any master commissioner in chancery in said county, and confirmed, shall be deemed and held as good and valid as though this act had not passed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

For the regulation of County Jails.

President judges to prescribe rules for regulation of jails.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the president judges of the courts of common pleas of the several judicial circuits of this state shall, immediately after the passage of this act, and from time to time thereafter, as they may deem necessary, prescribe, in writing, rules for the regulation and government of the jails, in the several counties within their respective circuits, upon the following subjects, viz:

First: The cleanliness of the prison and prisoners;

Second: The classification of prisoners in regard to sex, age and crime, and, also, persons insane, idiots and lunatics;

Third: Beds and clothing;

Fourth: Warming, lighting and ventilation of the prison;

Fifth: The employment of medical or surgical aid when necessary;

Sixth: Employment, temperance and instruction of the prisoners;

Seventh: The supplying of each prisoner with a copy of the bible;

Eighth: The intercourse between prisoners and their counsel, and other persons;

Ninth: The punishment of prisoners for violation of the rules of the prison;

Tenth: Such other regulations as said judges may deem necessary to promote the welfare of said prisoners, provided that said rules shall not be contrary to the laws of this state.

Copy of rules to be furnished each room or cell, etc.;

SEC. 2. That the said judges shall, as soon as may be, cause a copy of said rules to be delivered to the county commissioners, in the several counties in their respective judicial circuits; and it it shall be the duty of said commissioners, forthwith, to cause the same to be printed, and to furnish the sheriff of their county with a copy of said rules, for each and every room or cell of said jail, and, also, to forward a copy of said rules, by mail, to the auditor of state, who shall carefully file away and preserve the same.

—To be posted up.

SEC. 3. That the said sheriff shall, immediately on the receipt of said rules, cause a copy thereof to be posted up, and continued, in some conspicuous place, in each and every room or cell of said jail.

Rules may be altered.

SEC. 4. That the said judges may, from time to time, as they may deem necessary, revise, alter, or amend said rules; and such revised, altered or amended rules, shall be printed and diposed of, by said commissioners and sheriff, in the same manner as is directed by the second and third sections of this act.

Sheriff to have charge of jail.

SEC. 5. That the sheriff, or, in case of his death, removal, or disability, the person, by law, appointed to supply his place, shall have charge of the county jail of his proper county, and

of all persons, by law, confined therein; and such sheriff, or other officer, is hereby required to conform, in all respects, to the rules and directions of said president judge above specified, or which may, from time to time be, by said judge, made and communicated to him by said commissioners.

Sheriff to keep jail register.

SEC. 6. That the sheriff, or other officer performing the duties of sheriff, of each county in this state, shall, as soon as may be after the passage of this act, procure, at the expense of the proper county, a suitable book, to be called the jail register, in which the said sheriff, by himself or his jailor, shall enter—

First: The name of each prisoner, with the date and cause of his or her commitment;

Second: The date and manner of his or her discharge;

Third: What sickness, if any, has prevailed in the jail during the year, and, if known, what were the causes of such disease;

Fourth: Whether any, or what labor has been performed by the prisoners, and the value thereof;

Fifth: The practice, observed during the year, of whitewashing and cleansing the occupied cells or apartments, and the times and seasons of so doing;

Sixth: The habits of the prisoners as to personal cleanliness, diet and order;

Seventh: The operation of the rules and directions prescribed by the president judge;

Eighth: The means furnished prisoners of literary, moral and religious instruction, and of labor;

Ninth: All other matters required by said rules, or, in the discretion of such sheriff deemed proper; that the said sheriff, or other officer performing the duties of sheriff, shall carefully keep and preserve the said jail register in the office of the jailor of his proper county, and, at the expiration of said office, shall deliver the same to his successor in office.

Jail report; where filed.

SEC. 7. That the sheriff, or other officer performing the duties of sheriff, shall, on or before the first day of November, in each year, make out, in writing, from said jail register, a jail report; one copy of which said report he shall, forthwith, file in the office of the clerk of the court of common pleas of the proper county, one copy with the auditor of the county, for the use of the commissioners thereof, and one copy of said report he shall transmit to the secretary of state; and it shall be the duty of the secretary of state to communicate the reports of the several sheriffs of this state to the general assembly, on or before the first day of January, annually.

This act to be given in charge to grand jury.

SEC. 8. That it shall be the duty of the court of common pleas to give this act in charge to the grand jury, once each term of said court, and lay before them any, and all rules, plans or regulations, established by said president judge, relating to county jails, and prison discipline, which shall then be in force.

Duty of grand jury;

SEC. 9. That the grand jury of each county in this state shall, once at each term of the court of common pleas, while in attendance, visit the jail, examine its state and condition,

examine and inquire into the discipline and treatment of prisoners, their habits, diet and accommodations; and it shall be their duty to report to said court, in writing, whether the said rules, of the said president judge, have been faithfully kept and observed, or whether any of the provisions of this act have been violated, pointing out, particularly, in what said violation, if any, consists; it shall also be the duty of the county commissioners of each county of this state to visit the jail of their proper county, once during each of their sessions, in March, June and December, of each year.

—Of commissioners.

County commissioners to provide, &c.

SEC. 10. That it shall be the duty of the county commissioners, at the expense of their respective counties, to provide suitable means for warming the jail, and its cells or apartments, frames and sacks for beds, night buckets, and such other permanent fixtures and repairs, as may be prescribed by said president judge; said commissioners shall also have power to appoint a physician to the jail, when they may deem it necessary, and pay him such annual, or other salary, as they may think reasonable and proper, which salary shall be drawn out of the county treasury, on the order of the auditor; and said medical officer, or any physician or surgeon who may be employed in the jail, shall make a report, in writing, whenever required by the said commissioners, president judge, or grand jury.

Sheriff to provide necessaries for prisoners;

SEC. 11. That it shall be the duty of the sheriff of each county to provide fuel, bed clothing, washing, nursing, when required, and board, generally, and all other such necessaries, for the comfort and welfare of said prisoners, as the said judge, by his said rules, shall designate, for all persons confined by law; and he shall be allowed such compensation, for services required by the provisions of this act, as may be prescribed by said commissioners; provided that this section shall not be so construed as to give the sheriff a claim on the county for board or necessaries furnished any prisoner, confined for debt only.

—To visit jail in person.

SEC. 12. That the sheriff shall visit the jail, in person, and examine into the condition of each prisoner, at least once each month, and once during each term of the court of common pleas; and it is hereby made his duty to cause all the cells and rooms, used for the confinement of prisoners, to be thoroughly whitewashed, at least three times each year.

Jailor to be appointed by the sheriff.

SEC. 13. That the jailor, or keeper of the jail, shall, unless the sheriff shall elect to act as jailor, in person, be a deputy, appointed by the sheriff, and approved of by the court of common pleas, as in the case of other deputies; and such jailor shall take the necessary oaths, before entering on the duties of his office, provided, that during the vacations of said court, in case of death, removal or other disability, or refusal to act, or, for misconduct, the sheriff should have discharged such jailor, he may appoint one for the time, who shall discharge the same duties, and incur the same liabilities, as if regularly appointed; and, provided also, that the sheriff shall, in all cases, be liable

for the negligence and misconduct of the jailor, as of other deputies.

Neglect of duty, how punished.

SEC. 14. That if the sheriff or jailor, having charge of any county jail, shall neglect or refuse to conform to all, or either, of the rules and regulations established by said judge, or to any other duty or duties required of him by this act, he shall, on conviction thereof, by indictment, for each case of such failure or neglect of duty, as aforesaid, pay into the county treasury of the proper county, for the use of such county, a fine of not less than five dollars, nor more than one hundred dollars, to be assessed by the court of common pleas of the proper county.

Acts repealed.

SEC. 15. That all acts, and parts of acts, which conflict with, or are inconsistent with, the provisions of this act, be and the same are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To repeal the third section of the act entitled "An act further to amend the act entitled 'An act providing for the appointment of a Board of Bank Commissioners, and for the regulation of Banks within the State of Ohio, passed February 25, 1839, and enforce the resumption and continuance of specie payments by the Banks within the State of Ohio,' passed February 18, 1842," passed January 25, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the third section of an act to amend an act entitled "an act further to amend the act entitled 'an act providing for the appointment of a board of bank commissioners, and for the regulation of banks, within the state of Ohio, passed February twenty fifth, one thousand eight hundred and thirty nine, and enforce the resumption and continuance of specie payments, by the banks within the state of Ohio,' passed February eighteen, one thousand eight hundred and forty two," passed January twenty five, one thousand eight hundred and forty three, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To amend an act entitled "An act to regulate the action of forcible entry and detainer, passed February 25, 1831.

One justice to have the same power as two, in actions of forcible entry and detainer, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That one justice of the peace shall have power and authority to inquire, by jury, as provided for two justices, in the act to which this is an amendment, as well against those who make unlawful and forcible entry into lands and tenements, and detain the same, as against those, who, having a lawful and peaceable entry into lands or tenements, unlawfully, and by force, hold the same; and if it be found, upon such inquiry, that an unlawful and forcible entry hath been made, and that the same lands or tenements are held and detained with force, or, that the same, after a lawful entry, are held unlawfully, and with force, then such justice shall cause the party complaining to have restitution thereof; and in all actions of forcible entry and detainer under this act, and the act to which this is an amendment, the said justice shall have the same power, and perform the same duties, which two justices are required to perform by the act to which this is an amendment; and in all actions of forcible entry and detainer, which shall be hereafter instituted, where forcible entry only shall be alledged in the complaint, it shall be the duty of the complainant to notify the defendant, at least three days prior to the issuing the writ, to leave the premises; which notice shall be served by leaving a written copy with the defendant, or, at his usual place of abode, when he cannot be found.

Summons, how served.

SEC. 2. That the summons, required to be issued by the fifth section of the act to which this is an amendment, shall be served upon the party complained against, or a copy thereof left at his usual place of abode, at least three days before the day appointed by the justice for the trial; and if, after the service of said summons, the party does not appear to defend, the justice shall proceed to the inquiry in the same manner as if he were present; and when the jury shall appear they shall be impanneled to inquire into the forcible detainer complained of; and the justice shall lay before the jury the exhibited complaints, and shall administer an oath or affirmation to the jurors, to well and truly try whether the complaint of [naming the plaintiff,] now laid before them, is true according to the evidence.

If defendant does not appear.

Verdict of jury.

SEC. 3. That, if the jury shall find no part of the complaint true, they shall return a general verdict of not guilty; and it shall be the duty of the justice to render up judgment against the plaintiff, and, thereupon, tax the bill of costs, and issue execution against the said plaintiff, returnable in twenty days. But if the jury shall find the same true, they shall return a general verdict of guilty, or they shall return a special verdict of such parts as they do find true; and the justice shall render up

judgment for the complainant to have restitution of the premises and costs, and shall forthwith issue their writ of restitution, returnable within ten days from the rendition of such judgment.

Writ of certiorari;

SEC. 4. That if the defendant, or defendants, shall, within the ten days provided for the return of the writ of restitution in the preceding section of this act, sue out a writ of certiorari, from the court of common pleas of the proper county, as provided in the ninth and tenth sections of the act to which this is an amendment, the same shall operate as a stay of all further proceedings under, and by virtue of, said writ of restitution; and the justices, or any one of them, shall forthwith issue his, or their warrant, directed to the officer in whose hands said writ of restitution is, commanding him forthwith to return the same; and if the writ shall have been executed, by delivery of possession to the complainant, then that he restore possession thereof to the plaintiff in certiorari; and the further proceedings in said suit shall be, in all respects, in conformity with the provisions of the act to which this is an amendment.

Proceedings under.

Cause may be continued.

SEC. 5. That in all actions which may hereafter be brought under the provisions of this act, or the act to regulate the action of forcible entry and detainer, passed February twenty five, one thousand eight hundred and thirty one, it shall be lawful for the justice, before whom the cause may be pending, to continue the same from time to time, for good cause shown, in the same manner that continuances are allowed under the act defining the duties of justices and constables in civil cases; provided, however, that no continuance shall be granted for a longer period than four days, unless the defendant, applying therefor, shall enter into bond, to the opposite party, with good and sufficient security, to be approved by the justice, conditioned for the payment of the rent that may accrue, if judgment shall be rendered against said defendant; and, provided further, that no cause shall be continued, without consent of parties, for a longer time than thirty days.

Acts repealed.

SEC. 6. That the first, third, sixth, and so much of the fifth section of the act to regulate the action of forcible entry and detainer, passed February twenty fifth, one thousand eight hundred and thirty one, as conflicts with the provisions of this act, and the act to amend the act to regulate the action of forcible entry and detainer, passed February twenty third, one thousand eight hundred and thirty five, be and the same are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To provide for the payment of the Domestic Creditors of the State of Ohio.

Commissioners may borrow money.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the canal fund be and they are hereby authorized and required, immediately upon the passage of this act, to borrow, upon the credit of the state, a sum or sums of money, not exceeding one million five hundred thousand dollars, to be appropriated to the payment of all sums due to the contractors on the public works of this state, including interest thereon, not exceeding six per centum per annum from the time the work was completed and accepted.

May issue bonds.

SEC. 2. For all money borrowed under the provisions of this act, the commissioners of the canal fund shall issue bonds or certificates of stock of this state, bearing a rate of interest to be named in the face thereof, not exceeding seven per centum per annum, payable at the state treasury semi-annually, on the first day of May and November; and the principal shall be redeemable at the state treasury after the first day of January in the year one thousand eight hundred and fifty one, with a proviso reserved in the face of said bonds or certificates of stock, that the state shall have the right to redeem them at any time prior to that period; which bonds or certificates of stock the said commissioners shall be authorized and required to issue and dispose of at a rate not less than par, for the purposes herein specified.

Faith of the State pledged.

SEC. 3. That for the payment of the interest and the final redemption of the principal of said bonds or certificates, the faith of the state is hereby pledged, and for such redemption of the principal, after the year one thousand eight hundred and fifty one, there is hereby set apart and specifically pledged and appropriated, the amount of surplus revenue received from the United States, under the provisions of an act of the congress of the United States, entitled "an act to regulate the deposits of the public money," approved June twenty third, one thousand eight hundred and thirty six; and also, all lands appropriated or belonging to the public works of this state, for the construction of which they were specifically donated, excepting only such portion as is pledged for the redemption of bonds based upon said lands and issued under the provisions of "an act to provide for paying the temporary liabilities of this state, the interest on the state debt, and other purposes," passed March seventh, one thousand eight hundred and forty two.

Appropriation of the surplus revenue.

Bonds to specify on what account issued;

SEC. 4. That all such bonds or certificates of stock, shall specify in the face thereof, the work upon which they are issued, or upon which the moneys loaned are designed to be applied; and all such bonds or certificates issued upon the Wabash and Erie canal, and one fourth of those issued upon the Miami Extension canal, shall be based upon and made receivable for the lands appropriated to those works, respectively; and all

such bonds or certificates shall further bear upon their face the pledge hereinbefore made of the surplus revenue, with the fact that the same, as hereinafter provided, are receivable by any county in the state for any and all loans or debts due said surplus revenue fund, except the annual interest thereon.

Receivable for debts due surplus revenue.

SEC. 5. That from and after the first day of January, one thousand eight hundred and fifty, the surplus revenue shall be held and appropriated to the redemption of the bonds issued under the provisions of this act, that may be unredeemed at that time; and the fund commissioners in each county in the state shall be held and required, according to the provisions of the twelfth section of "an act providing for the distribution and investment of this state's proportion of the surplus revenue," passed March twenty eighth, one thousand eight hundred and thirty seven, to have the principal of the said fund, so received from the state treasury and remaining in their hands, held subject to the order of the state treasurer for the purposes herein specified.

Principal, how redeemed.

SEC. 6. It shall be lawful for the fund commissioners of any county, at their discretion, during the year one thousand eight hundred and forty three, to provide for the collection and payment into the state treasury annually, of any portion of the surplus revenue invested with said county, not less than one tenth of the amount of the original investment; in which case the period for the final payment of such revenue by any such county shall be extended to and embrace the year one thousand eight hundred and fifty two; and the fund commissioners of any county so electing to pay in instalments, shall give notice of the fact to the auditor of state on or before the first day of December, in the year one thousand eight hundred and forty three.

County commissioners may pay, in instalments, amount due surplus revenue.

SEC. 7. That all payments of money or bonds received by the fund commissioners of any county, or collected by them from any person or persons, bodies corporate or politic, being in whole or in part of any loan made to such persons, bodies corporate or politic, from said surplus revenue fund, shall not be reloaned, but shall be retained by them to be paid into the state treasury in the manner hereinafter provided.

Money received on said fund not to be reloaned.

SEC. 8. That the fund commissioners of each county in the state, are hereby authorized and required to receive in payment, either in whole or in part of any loan of the principal of said surplus revenue, the bonds or certificates of stock issued under the provisions of this act, allowing the par value thereof, and any amount of interest which may be due on such bonds or certificates at the time of such payments; which bonds or certificates shall be paid into the state treasury as payments of money, and the treasurer of state shall deliver the same to the auditor of state upon his receipt therefor, who shall cancel and file the same in his office.

County commissioners may receive State bonds.

SEC. 9. All bonds or certificates issued under this act, or the act to provide for the payment of the temporary liabilities of the state, the interest on the state debt, and for other purpo-

Bonds to be delivered to Auditor of State.

ses, passed March seven, one thousand eight hundred and forty two, and based upon, or made receivable for, the canal lands, when paid into the state treasury for such sales, shall be in like manner delivered over by the treasurer to the auditor of state to be canceled and filed in his office.

Moneys, &c., in hands of county commissioners, when to be paid.

SEC. 10. That all moneys, bonds or certificates in the hands of the fund commissioners of any county under the provisions of this act, and required to be paid to the state treasury, shall be by said fund commissioners paid over to the county treasurer on or before the thirty first day of December in each year, to be by him paid to the treasurer of state; and for such payment to the county treasurer, said fund commissioners shall take duplicate receipts, one of which they shall forward by mail to the auditor of state, and preserve the other as their voucher for such payment; provided no compensation or percentage shall be allowed to any county treasurer for services required by this act.

Interest on principal of surplus revenue paid in, how disposed of.

SEC. 11. That upon all payments into the state treasury of the principal of surplus revenue, under the provisions of this act, prior to the year one thousand eight hundred and fifty, the commissioners of the canal fund shall set apart a fund, and the treasurer of state, upon the order of the auditor of state, shall, annually, pay interest at the rate of five per centum per annum to the state common school fund, and one per centum per annum to each of said counties upon the amount paid by such county to the use of the state; which latter amount shall be paid to the county treasurer at the time of his annual settlement, by the auditor of state, upon the draft of the fund commissioners of said county or their duly appointed agent.

Denomination of bonds.

SEC. 12. No bond or certificate of stock, issued under the provisions of this act, shall be of a less denomination than one hundred dollars. And if any contractor on the public works, or other person holding the check or checks of the acting commissioner shall elect or desire to take such bonds or certificates for the amount of such indebtedness or any part thereof, it shall be the duty of the fund commissioners to issue to the treasurer of state the amount of bonds or certificates required for the redemption of any such check or checks.

Certificates and loans, how regulated.

SEC. 13. All bonds or certificates issued to the state treasurer in accordance with the provisions of the preceding section, and all moneys loaned under the provisions of this act, shall be paid into the state treasury and disbursed in accordance with the provisions of the act to regulate the receipt and disbursement of the canal fund, passed March twenty third, one thousand eight hundred and forty.

Moneys pledged by this act subject to draft of fund commissioners.

SEC. 14. All moneys received into the state treasury, from the sales of the lands herein pledged, and all moneys received upon payments or instalments of the surplus revenue, shall be subject to the draft of the fund commissioners, and be by them appropriated to the payment or redemption of such portion of the outstanding bonds, issued under this act, as may be cover-

ed thereby, if the same can be purchased or redeemed, at a rate not exceeding their par value, and any amount of interest that may be due thereon.

Issue of certificates to be registered by auditor of State.

SEC. 15. That all bonds or certificates, issued under this act, shall be, by the fund commissioners, reported to the auditor of state, who shall register the same in a book for that purpose, which registry shall specify the number, the person to whom issued, the amount, and the date from which interest is payable.

Certificates, issued under act of 1842, receivable for school lands, &c.

SEC. 16. That all bonds or certificates of stock of this state, issued and delivered to contractors, under the provisions of an act entitled, "an act to provide for the payment of the temporary liabilities of the state, the interest on the state debt, and for other purposes," passed March seven, one thousand eight hundred and forty two, shall be received in payment for all lands granted by Congress for the support of schools, for religious purposes, and for all salt reservations which have been, or may hereafter be sold, and such bonds shall be paid over to the treasurer of state; and the interest on said bonds shall be paid to the proper township, in the same manner as if payment had been made in money.

Stock created by this act to be first offered in New York.

SEC. 17. That the commissioners of the canal fund shall, within sixty days from the passage of this act, and before they offer for sale the domestic stock, authorized to be created by the second section of this act, invite bids or proposals in the city of New York, for the same amount of stock, bearing a rate of interest not exceeding seven per centum per annum, payable semiannually, on the first days of May and November, in the city of New York, and redeemable in said city, at the pleasure of the state, after the year, A. D., 1851; and if bids shall be received for said stock, or any part thereof, at prices not less than their par value, said commissioners shall accept such bids, and shall, thereupon, issue certificates of state stock therefor, payable in said city, specifying thereon the rate of interest, and the time and place of paying both interest and principal; and that the surplus revenue received from the United States, together with the proceeds of the sales of the canal lands belonging to the state, are pledged for their redemption.

Funds pledged.

Proceeds of sales of stock, how applied.

SEC. 18. That the money received from the sale of stocks, authorized by the preceding section, shall be applied to the payment of the debts now due the contractors upon the public works of the state; and if the sum so raised shall be insufficient for that purpose, each contractor shall be entitled to as much thereof as may be in proportion to his claim upon the state; and the money so borrowed and appropriated shall be considered part and parcel of the sum authorized by the first section of this act.

If the sum borrowed be not sufficient, &c.;

SEC. 19. That if the sum so borrowed by the fund commissioners, under the provisions of the seventeenth section of this act, shall not amount to six hundred thousand dollars, then the canal fund commissioners shall issue to said contractors, if

—Certificates of stock to be issued in a ratable proportion.

they require it, certificates of stock of the state, bearing an interest of seven per centum, payable semiannually, in the city of New York, and the principal redeemable in said city after the year one thousand eight hundred and fifty one, equal in amount with the sum so borrowed, and paid to them, to the said sum of six hundred thousand dollars; which stock shall be issued to said contractors, in a ratable proportion to their demands upon the state; and the balance of said payment shall be completed by the sale or issue of the domestic bonds of the state hereinbefore provided for.

Funds pledged.

SEC. 20. That the same pledges for the redemption of the principal, and the punctual payment of the interest, as are contained in this act, and applied to the domestic bonds of the state, shall apply to and be considered as pledged for the punctual payment of the principal and interest of all stock authorized to be issued by the 17th and 19th sections of this act; but no such stock shall be issued or sold at a less rate than the par value.

Auditor to publish semiannual statements of amount of bonds issued.

SEC. 21. The auditor of state shall, semiannually, on the first day of May and November, make out and publish, in at least two newspapers at the seat of government, two others in the city of Cincinnati, and one in the city of Cleveland, a statement of the amount of domestic bonds or certificates issued upon each of the public works, under the provisions of this act, and the act of March seven, one thousand eight hundred and forty two, the amount of each that have been redeemed and canceled, and the amount still outstanding upon each work, together with the aggregate amount of surplus revenue paid into the state treasury by the several counties of the state, and the amount remaining unpaid.

Certificates shall be issued to certain canal and turnpike companies.

SEC. 22. That the commissioners of the canal fund, upon application, shall issue to the officers of any turnpike or canal company, in which the state is a stockholder, or to the assignee or assignees of such company, bonds or certificates of stock, bearing an interest not exceeding six per centum per annum, under the provisions of this act, on the outstanding warrants, to such companies, including interest thereon, at the rate of six per centum per annum from the time such warrants were due and payable at the state treasury; provided bonds shall not be issued to a greater amount than the amount which shall be reported by the auditor of state, under the nineteenth section of this act, to be due and unpaid by such companies, for work done or materials furnished for the construction of such road or canal.

Auditor to investigate accounts of such companies, and issue his warrants, which shall be redeemed with State bonds.

SEC. 23. That the auditor of state shall, immediately on the adjournment of this general assembly, if requested by any canal or turnpike company, proceed to investigate, by himself or agent, the account and condition of the company, making the request, and report to the commissioners of the canal fund the amount due from the state to such company; and, also, the amount that such company may be indebted for labor perform-

ed, or materials furnished, in the construction of such work at the time of the passage of this act; and the auditor of state shall issue his warrants to said company, or the legal holder of the indebtedness of said company, not exceeding in amount the debts due by such company as aforesaid, and not exceeding the amount due from the state to such company; which warrants shall be redeemed by the issue of bonds or certificates of stock, which shall be received in payment as other bonds issued under the provisions of this act, except that bonds issued to canal or turnpike companies, shall not be receivable in payment of Miami or Wabash and Erie canal lands; provided, that if any turnpike or canal company shall accept the bonds herein provided, or any part thereof, the acceptance thereof, by such company, shall release the state from all further liability thereto. Proviso.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To authorize County Commissioners to remit fines in certain cases.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county, within this state, shall have power to remit or release, in whole or in part, any fine, debt or amercement, due to such county, or to make any just and equitable allowance, for services rendered for such county, when, in the opinion of such commissioners, such allowance should be made, or such fine, debt or amercement, should be remitted, in whole or in part, except in cases where either of them are personally interested.

Sec. 2. That the county commissioners may employ any suitable person to collect any debt or costs, fine due to, or, which may have been collected, for the use of, such county.

Sec. 3. That the act entitled "an act to amend an act entitled 'an act establishing boards of county commissioners,' passed March twenty fifth, anno domini, one thousand eight hundred and forty one," be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

For the preservation and repair of the National Road, and for the collection of tolls thereon.

Board of public works to have charge of road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works shall continue in charge of that portion of the national road in Ohio which has been completed by the United States, and accepted by the authorities of this state, and take possession of such portions of said road as hereafter may be completed and made ready for delivery by the agent of the United States superintending its construction.

SEC. 2. In the performance of their duties as agents of the state in charge of the road, the board shall have the following powers:

To appoint resident engineer, and to establish rates of toll.

First: To appoint a resident or superintending engineer, to be placed in special charge of the road, whose duty it shall be, under the direction of the board, to superintend in person said road, prescribe and superintend all repairs to be made thereon, and devote his entire time to the duties herein required, unless prevented by sickness or other unavoidable circumstances; and, with the advice and consent of the board, shall establish gates on said road, at such points as may be from time to time deemed best for the interests of the state and of the road, so as not to exceed, in the aggregate, one full gate for every ten miles of said road, and demand and collect the full, or such proportionate rates of toll, as the distance between the gates may justify.

To appoint gatekeepers.

Second: To appoint collectors of toll or gatekeepers, and such other officers and assistants as they may consider necessary and proper, and allow them such compensation for their services as they may consider necessary, not exceeding the amount allowed for similar services on the other public works of this state.

To fix rates of toll.

Third: To establish and revise the rates of toll to be paid by persons passing on or using the said road, and to change or modify the same from time to time, so as to raise and collect, in the most equitable manner, the sum required to defray all necessary expenses incident to the keeping of the road in repair and collecting the revenue; provided, that until the fifteenth day of November, one thousand eight hundred and forty three, the rates of toll shall not be greater than the following:

Rates of toll.

For every score of sheep, five cents;
For every score of hogs, ten cents;
For every score of cattle, twenty cents;
For every led horse, three cents;
For every horse and rider, five cents;

For every gig or sulky drawn by one horse, ten cents.

Narrow tire, less than four inches—For every cart or wagon drawn by one horse, ten cents;

For every cart or wagon drawn by two horses, twenty cents;

For every cart or wagon drawn by three horses, thirty one and one fourth cents;

For every cart or wagon drawn by four horses, forty three and three fourth cents;

For every cart or wagon drawn by five horses, fifty six and one fourth cents;

For every gig, buggy or sulky drawn by two horses, fifteen cents;

For every gig, buggy or sulky, with seats for four persons, and drawn by two horses, twenty five cents;

For every coach, coachee, chariot, carriage or hack, having seats for two persons or more, twenty five cents;

For every coach with three seats, drawn by four horses or mules, fifty cents;

For every coach with four seats, drawn by four horses or mules, sixty cents;

For every sleigh or sled drawn by one horse, five cents;

For every additional horse, five cents;

For every wagon drawn by six horses, seventy five cents;

For every additional horse, ten cents.

Broad tire, four inches and upwards—For every wagon drawn by two horses, twelve and one half cents;

For every wagon drawn by three horses, eighteen and three fourth cents;

For every wagon drawn by four horses, twenty five cents;

For every wagon drawn by five horses, thirty seven and one half cents;

For every wagon drawn by six horses, fifty cents;

For every additional horse, ten cents.

Fourth: To compound with persons residing within ten miles of any gate, whose ordinary business requires their frequent travel on said road, for the payment of a yearly sum in full for toll, payable at such times and places, and under such regulations, as the said board may consider reasonable and just.

To make rules and regulations.

Fifth: They may, from time to time, make such orders, rules and regulations, not inconsistent with the laws of the state, and impose such forfeitures, in money, for the breach of such rules and regulations as they may judge reasonable, in relation to all matters connected with the keeping in repair of the national road, and the collection of toll thereon, and shall cause a sufficient number of all such rules and regulations, including the forfeiture for the breach thereof, together with the rates of toll, to be printed, and shall distribute the same to the superintendent and gatekeepers, to be kept in their respective offices for public inspection. They shall also cause to be

printed or painted, in large characters, the rates of toll authorized to be collected on said road, and post the same up in some conspicuous place at such gate, and in like manner cause to be printed a brief exhibit of the fines and penalties incurred under this act, and the orders of the board made in pursuance thereof, and post the same in a conspicuous place at each tollgate, and at each wooden bridge, on said road.

Fines and penalties; how applied

SEC. 3. All tolls and fines, penalties and forfeitures, incurred on said road, shall be collected and paid into the state treasury, under such rules and regulations as shall, from time to time, be established by the board of public works, and constitute the "national road fund," which shall be kept separate and distinct from all the other funds in the treasury, and paid out and accounted for by the treasurer in the same manner that the other funds are that are placed in the treasury.

Receipts and disbursements to be reported.

SEC. 4. The auditor and treasurer of state shall, each, in their annual report to the general assembly, exhibit the receipts into, and disbursements from, the national road fund for the fiscal year.

Number of animals on bridges at one time, limited.

SEC. 5. In passing droves of domestic animals over the wooden bridges on the national road, not more than twenty head of neat cattle, horses, mules or asses, and not more than one hundred head of hogs or sheep, shall be permitted to be on either of said bridges at any one time, under a penalty of ten dollars for every breach of any provision of this section; and each person having charge, in whole or in part, of any drove, and every owner or part owner of such drove, and, also, the drove itself, shall severally be liable for the payment of any such penalty.

More than one team, &c., prohibited from being on any reach of a bridge at the same time.

SEC. 6. No team, stagecoach, wagon, or other vehicle, shall approach any preceding team, stagecoach, wagon, or other vehicle, so that both shall be on the same reach of either of the wooden bridges on the national road at the same time, under the penalty, for every such offence, of five dollars; for which penalty, every driver of any team, stagecoach, wagon, or other vehicle, so offending, and every owner and part owner thereof, shall severally be liable.

Persons prohibited from carrying fire over bridges.

SEC. 7. No person shall carry fire across any wooden bridge on the national road, unless inclosed in a lantern, or some other close vessel, under a penalty of five dollars; and no person shall ride or drive a horse or horses, a stagecoach, or other vehicle, over any of said bridges faster than a walk, under a penalty of ten dollars.

Penalty for driving over bridges faster than a walk.

SEC. 8. That if the driver of any mailstage, coach, or other vehicle, shall drive across any wooden bridge on the national road, at a gait faster than a walk, with a view to pass any other mailstage, coach, or other vehicle, proceeding in the same direction, any person, so offending, shall forfeit and pay the sum of ten dollars; and the owner or owners, proprietor or proprietors of such mailstage, coach, or other vehicle, shall

be liable for all such penalties as may occur under this section, and, also, for all damages consequent upon such violation.

Penalty against driver for driving against other vehicles.

SEC. 9. That if the driver of any mailstage, coach, or other vehicle shall, when driving at a gait faster than a walk, pass any other mailstage, coach, or other vehicle, and wilfully or negligently run against any mailstage, coach, or other vehicle, or, against the horse or other animal drawing the same, whereby injury may be done to the vehicles, drivers or passengers therein, or any horse or other animal drawing the same, every person or persons, so offending, shall forfeit and pay any sum, not exceeding fifty dollars, nor less than ten dollars; and each owner, part owner, or proprietor of such mailstage, coach, or other vehicle, shall severally be liable for all such penalties as may accrue under this section, and, moreover, be liable to the party or parties injured, in an action of debt, for all damages sustained.

Prescribing the manner in which carriages shall pass each other.

SEC. 10. All wheel carriages, and vehicles of every kind, when passing each other on the national road, shall each move to the right of the center of the road, if passing in an opposite direction, so as to admit of a free passage, and without endangering either; and when a vehicle shall be overtaken by another passing in the same direction, the forward vehicle shall immediately, if required, move to the right of the center line of the road, and the other to the left of the center, so that a passage can be effected without hindrance or danger to either.

Penalty for violating foregoing sections.

SEC. 11. Any person who shall violate either of the provisions of the preceding section, shall, for every such offence, forfeit and pay the sum of five dollars, and, moreover, be liable to the parties injured for all damages consequent upon such violation.

Penalty for maliciously injuring bridges, &c.

SEC. 12. Any person who shall wilfully or maliciously cut, mar or injure the wood or stonework of any bridge, gate or other fixtures on said road, shall, for every such offence, upon conviction, forfeit and pay a sum not exceeding fifty dollars, nor less than five dollars, and, moreover, be liable for all damages incident thereto.

Owners of property required to pave valleys or sideditches.

SEC. 13. When said road passes through any town, or village, each and every person owning or occupying a lot, with improvements on the same, shall be obliged, if required by the commissioner or engineer having charge of said road, to make or cause to be made, a paved valley the whole length of said lot, and in the line of the original ditch, and according to the grade thereof, and to keep the same in good repair, so as at all times to admit of a free passage for the water; any person failing or neglecting to comply with the provisions of this section shall forfeit and pay two dollars for every twenty four hours he may so fail or neglect.

Cartways connecting with the national road to be made under direction of the commissioners.

SEC. 14. Any person who shall connect any private road, bridge or cartway, with the national road, shall connect, construct, and maintain such road, bridge or cartway, under the direction and according to the instructions of the commissioner

or engineer aforesaid; and each and every person, failing to comply with the provisions of this section, shall forfeit and pay one dollar for every day he shall so fail to comply with the instructions of the commissioner, or engineer, aforesaid.

Supervisors of roads to be governed in same manner.

SEC. 15. All supervisors of roads shall be obliged to connect every state, county, or other road, coming within their jurisdiction, with the national road, in the same manner and under the same penalties as specified in the preceding section of this act.

Penalty for depositing wood, coal, &c. on road or in ditches.

SEC. 16. Every person who shall deposit wood, coal, lumber or any other kind of material on any part of said road, so as to obstruct the ditches, turnpike or side road, or give rise to the accumulation of rubbish, or any kind of obstruction, shall, for every such offence, forfeit and pay two dollars, together with a forfeiture to the road, of all wood, coal, lumber and other materials so deposited.

Teams and other vehicles prohibited from standing on road, &c.

SEC. 17. No person shall be permitted, at any time, to stand his wagon or other vehicle, or team, on any part of the road, ditches, water courses or side roads, for the purpose of feeding, nor for any other purpose, an unreasonable length of time, and in no instance so as to obstruct the free and uninterrupted use of the road.

Penalty for violating preceding section.

SEC. 18. Any person who shall violate either of the provisions of the preceding section, shall forfeit and pay the sum of three dollars, and also be liable for all damages consequent upon such violation.

Penalty for obstructing road or ground belonging thereto.

SEC. 19. No person shall be permitted to erect any building of any description, or any temporary fixtures or fences on any part of said road, or land belonging to said road, within the eighty feet; and all buildings, fixtures and fences that may be already erected, shall be subject to be removed upon notice from the commissioner or engineer having charge of said road; every person failing to comply with the provisions of this section shall forfeit and pay a penalty of five dollars for every three days such building, fixtures or fences may remain on said ground belonging to the road.

Who are exempt from tolls.

SEC. 20. Nothing in this act contained shall authorize the collection of tolls from children passing to or from school, persons passing to or from public worship on the sabbath, to or from a funeral, to or from a militia muster, or other military meetings, when the individual is by law compelled to attend, or to or from elections.

Troops and property of the U. S. exempt from tolls.

SEC. 21. No toll shall be charged or collected, for any cavalry or other troops, armies, military stores or munitions of war, belonging to the United States or any state or territory of the United States, nor from any person or persons on duty in the military service of the United States, or of the militia of any state or territory.

Remedy & penalty against persons refusing or avoiding payment of tolls.

SEC. 22. The respective toll gatherers are hereby authorized to stop and detain the persons or property chargeable with toll according to the provisions of this act, until such toll is paid; and any person who shall pass through or around, or, in

any other manner, avoid either of said gates with the intention, and for the purpose, of preventing the tollgatherer from receiving such toll, shall, upon conviction thereof, be liable to a fine of five dollars for each offence, and the costs of prosecution.

In relation to toll on mailstages &c.

SEC. 23. That every vehicle containing the United States mail, or any part thereof, together with the drivers of such vehicle, shall be permitted to pass along the national road, and through the gates thereof, free from the payment of toll; but no passenger, or person, other than the driver, nor the baggage or other property of any such person, other than the driver, shall be transported on any such vehicle, without the payment of toll as hereinafter provided.

Same subject.

SEC. 24. That for each passenger or person conveyed on any such vehicle, other than the driver, the proprietor, or proprietors thereof, shall pay such toll as the board of public works shall from time to time order; and for all property, (except the ordinary baggage of passengers for whom toll shall be paid as aforesaid,) the proprietor, or proprietors of such vehicle shall, also, pay such rate of toll, not exceeding ten cents at each gate, for each two hundred pounds, as the board of public works shall determine.

Same subject.

SEC. 25. That it shall be the duty of the driver of every such vehicle, immediately on arriving at each gate on the national road, to report truly to the keeper thereof the number of passengers, or other persons, and the weight of all property transported on such vehicle, subject to the payment of toll under the provisions of this act, for which toll remains unpaid, and forthwith to pay to said keeper the toll chargeable on such passengers, or other persons and property; and if such driver shall neglect or refuse to pay said toll, or any part thereof, when demanded, it shall be the duty of the gatekeepers at such gate, to require such driver to remove from the vehicle all the passengers and persons thereon, other than himself, and, also, all the baggage and property thereon, other than the mail of the United States, and to leave the same; and if any driver shall neglect or refuse to pay such tolls when demanded, and shall also neglect and refuse to remove from such vehicle the passengers, or other persons thereon, and the property and baggage thereon, as above mentioned, and to leave such passengers, or persons, baggage and property, when required to do so by the gatekeeper, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall pay a fine of not more than one hundred dollars, nor less than twenty five dollars, at the discretion of the court; and for all penalties incurred under the provisions of this act, in consequence of a neglect or refusal on the part of said stage company, to furnish the said driver with money for the payment of said toll, the said driver shall have an action of debt against said company to recover back the same.

Board of public works may commute with stage company.

SEC. 26. That the board of public works may commute with the proprietor or proprietors of any vehicle or vehicles used for the transportation of the United States mail on the na-

tional road, receiving in lieu of the tolls hereby authorized, such sum, annually, quarterly, or monthly, as they may deem fair and equitable, and under such rules, regulations and conditions as they shall prescribe.

Penalty against driver for breaking through gate and proprietors held liable.

SEC. 27. That if the driver of any stagecoach, or other vehicle, or any other person in the employment of any individual or company owning any stagecoach, or other vehicle, passing along said road, shall break open any gate, or, in any way injure the same, or any of the fixtures thereto belonging, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall pay a fine not exceeding one hundred dollars, and be imprisoned in the cell or dungeon of the county jail and fed on bread and water only, for a term not less than five, nor more than thirty days, at the discretion of the court; and the person or persons, or any of them, in whose employment such offender shall be at the time such offence shall have been committed, shall be liable for any damages which may have been done to said gate or fixtures, to be recovered before any court having competent jurisdiction, against any one or more of the owners of such stagecoach or other vehicle.

Manner and mode of proceeding in courts &c.

SEC. 28. The acting member of the board of public works, having charge of the road, the resident engineer, superintendent or collectors of toll on said road, shall be authorized to commence suit, in the name and on behalf of the state of Ohio, against any person charged with the commission of any offence, or made liable under the provisions of this act, or the orders of the board, before any justice of the peace in the county in this state, where the person so charged or made liable may be found, or in the county where the offence was committed, and if any persons so charged or made liable, shall, when before the justice for their trial, ask for an adjournment of the trial or a continuance of the case, and the justice shall deem it expedient to grant such adjournment or continuance, it shall thereupon be his duty to reduce to writing the testimony of each witness in attendance on the part of the state, and to cause the same to be subscribed and sworn to. The defendant shall have a right to crossexamine witnesses; and the depositions so taken shall be competent evidence on the trial of the case before said justice; and should the case be appealed, they shall be competent evidence upon the trial in the appellant court.

Fines and penalties, how paid over.

SEC. 29. All moneys received on behalf of the state, for fines, penalties, or damages, under the provisions of this act, or the orders of the board, by any person other than a collector, shall, after the costs and expenses of collection are deducted, be paid over to the collector whose office is nearest to the place where such moneys are received or collected, within twenty days of the time that such money was received or collected, and to be by such collector accounted for in the same manner as he accounts for tolls collected by him.

Penalty for neglecting to pay over.

Sec. 30. Any person who shall neglect or refuse to pay over the moneys received or collected by him, agreeably to the provisions of the preceding section, shall, on conviction thereof, forfeit and pay twenty five per centum on the amount so detained by him, as a penalty, which penalty and amount, so detained, shall be sued for and collected by the collector to whom the moneys so detained should have been paid, in an action of debt, for and on behalf of the state.

Penalty against collector for using or lending money.

Sec. 31. If any collector of tolls shall use, for his own benefit, or lend to any person any of the moneys belonging to the state that may come into his hands by virtue of his said office, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall forfeit to the state a sum double the amount of that so used or loaned, and, moreover, be confined in the county jail a period not exceeding ninety days, at the discretion of the court.

Capias to issue without affidavit.

Sec. 32. It shall be lawful in all cases of suit brought under this act, or the orders of the board made in pursuance thereof, for a capias to issue on the demand of the officer or agent of the state ordering the same, without any affidavit filed.

Penalty against agent, &c., for commencing suit without cause.

Sec. 33. If any collector, superintendent, acting commissioner, engineer or other person, shall commence any suit, or institute any other proceedings under the provisions of this act, or any order of the board, and judgment shall be rendered for the defendant in such suit or other proceedings, or discontinued without the consent of the parties, such collector, superintendent, acting commissioner, engineer or other person commencing such suit or other proceedings, shall be liable to the defendant or any other person interested therein, for all costs, hindrances, delay and other damages sustained thereby, to be recovered by action on the case, in any court of competent jurisdiction, unless the court or jury, as the case may be, shall be satisfied by evidence produced, that there was probable cause for commencing and carrying on such former suit or other proceeding.

Appeals allowed to court of common pleas.

Sec. 34. In all prosecutions and proceedings under this act, it shall be lawful for either party to appeal to the court of common pleas of the proper county, upon the same conditions and in the same manner as appeals are allowed by law in civil cases, cognizable by justices of the peace.

Acts repealed.

Sec. 35. That the act to amend the act for the preservation and repair of the United States road, passed June fourteenth, one thousand eight hundred and thirty two; the act to amend the act entitled an act to amend the act entitled an act for the preservation and repair of the national road, passed March first, one thousand eight hundred and thirty four; the act fixing the salaries of gatekeepers on the national road, passed February twenty ninth, one thousand eight hundred and thirty six; the act fixing the rate of tolls on the national road, passed March fourteenth, one thousand eight hundred and thirty six; the act fixing the rate of toll on the national road, pass-

ed February sixth, one thousand eight hundred and thirty seven; and the act in addition to the act for the preservation and repair of the United States road, passed March nineteenth, one thousand eight hundred and thirty eight, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed; provided that nothing herein contained shall in anywise affect any suit or prosecution, heretofore or hereafter commenced, for any thing that occurred while said acts were in force, but the same shall be conducted in all respects, and the liability of the party sued or prosecuted, shall be in all respects, and judgment shall be rendered, and the same shall be collected, in all respects, as if this act had not been passed.

Rights reserved.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To amend the act concerning divorce and alimony, passed March 6th, 1840.

Common pleas and supreme court to have concurrent jurisdiction.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supreme court of the state, and the court of common pleas in the respective counties, shall have concurrent jurisdiction, in all cases of divorce and alimony, and may grant the same, for any or all the causes enumerated in the first section of the act to which this is an amendment.

Complainant to file petition in chancery.

SEC. 2. That in all cases hereafter, when a party applies for a decree for divorce and alimony, or for alimony alone, the complainant shall file his, or her, petition in chancery, in the office of the clerk of the supreme or common pleas court, as the case may be, either in the county where the complainant may reside, at the time of making such application, or, in the county where the cause of complaint arose, or took place, upon the filing of which the same proceedings shall be had, and the said courts shall be governed, in all respects, by the provisions of the act to which this is an amendment.

Decree of common pleas to be final.

SEC. 3. That, in all cases commenced in the court of common pleas, no appeal shall be obtained from the decree, but the same shall be final and conclusive.

Sections repealed.

SEC. 4. That so much of the first, second, and sixth sections of the act, to which this is an amendment, as conflict with this act, be and the same are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

Making appropriations for the year 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, and for the purposes hereafter specified, to be paid out of any moneys in the treasury, be and the same are hereby appropriated, that is to say:

For the payment of members of the general assembly, their clerks, assistant clerks, sergeant-at-arms, and door keepers and messengers, a sum not exceeding thirty six thousand dollars; — For general assembly;

For paying the fees of witnesses and clerks, and other officers, and expenses of committees of the general assembly, a sum not exceeding five hundred and fifty dollars, and one hundred to finish paying expenses on the contested election of Geo. W. Holmes to a seat in the senate; — For examinations of committees;

For paying the salaries of the governor, auditor, treasurer, secretary of state, librarian, superintendent of the lunatic asylum, and chief clerk in the department of public works, the sum of seven thousand six hundred dollars; — For officers of state;

For paying the salary of the judges of the supreme court, the president judges of the courts of common pleas, and the judge of the superior court of Cincinnati, and the reporter of the decisions of the supreme court, the sum of twenty five thousand six hundred dollars; — For judges of the courts;

For the payment of an allowance made by the court in bank to Edwin M. Stanton, reporter, for reporting the decisions of the term of said court, holden in one thousand eight hundred and forty one, the sum of three hundred dollars; — For reporter;

For paying salaries of the members of the board of public works, the sum of twenty five hundred dollars; — For board of public works;

For paying the state printer for his services, including the printing of the decisions of the supreme court in bank, a sum not exceeding fifteen thousand dollars; — For state printer;

For paying bounty on wolf scalps, a sum not exceeding fifteen hundred dollars; — For wolf scalps;

For paying the expenses of adjutant and quartermaster generals, and brigade inspectors, a sum not exceeding two thousand dollars; — For militia officers;

For contingent fund of the governor, a sum not exceeding four thousand dollars; — For contingent funds;

For the contingent fund of the secretary of state, a sum not exceeding sixteen hundred dollars;

For the contingent fund of the treasurer of state, a sum not exceeding twelve hundred dollars;

For the contingent fund of the auditor of state, including one thousand dollars for new entries, a sum not exceeding five thousand dollars;

For the purchase of wood for the next general assembly, and public offices, a sum not exceeding four hundred dollars; — For wood;

For bounty on silk; For the payment of bounty on silk, prior to March sixteenth, one thousand eight hundred and forty two, two hundred and ninety one dollars eighty five cents;

For treasurers' mileage; For the payment of treasurers' mileage, a sum not exceeding twelve hundred dollars;

For distribution of laws; For the distribution of laws and journals, a sum not exceeding twelve hundred dollars;

For care of public arms; For the distribution, cleaning and storing public arms, a sum not exceeding two thousand dollars;

For state library; For the state library, a sum not exceeding four hundred dollars;

For postage; For the payment of postage of the speakers, members and officers of the senate, and house of representatives, a sum not exceeding fifteen hundred dollars;

For bank commissioners; For salary and expenses of the board of bank commissioners, a sum not exceeding four thousand dollars;

For attorney's fees; For the payment of attorney's fees, in prosecutions on behalf of the state, a sum not exceeding one thousand dollars;

For lunatic asylum; For the lunatic asylum, a sum not exceeding fourteen thousand dollars;

For deaf and dumb asylum; For the asylum of the deaf and dumb, for the purchase of furniture, and making improvements in the buildings, and current expenses of the institution, a sum not exceeding five hundred dollars;

For blind institution; For the institution for the education of the blind, for the current expenses thereof, for repairs, and the purchase of furniture, &c., for the school, a sum not exceeding five thousand dollars; and James Arnold, twenty eight dollars.

For private claims. For the payment of the following claims, allowed by the general assembly, to wit:

S. D. Preston, fifteen dollars and ninety six cents;
Joel Searles, twelve dollars;
Ephraim Cutler, two hundred dollars;
Jacob Harper, sixty two dollars;
Jacob Medary, one hundred dollars;
Wm. Trevitt, one hundred dollars;
H. A. Moore, one hundred dollars;
I. N. Whiting & Huntington, fifty two dollars and seventy three cents;
McCoy, Work & McCoy, one dollar and fifty cents;
Andrew Sites, two dollars and sixty eight cents;
Thomas Kennedy, sixteen dollars and fifty cents;
Christian Betz, sixty one dollars;
Jacob Boswell, three hundred and thirty three dollars and fifteen cents;
Conrad Heyl, thirty one dollars and fifty cents;
Peter Marx, six dollars and thirty seven cents;
Arnold Hardy, twenty five dollars sixty two cents;
Buttles & Runyon, three dollars and twenty five cents;
Gills & McCune, eighty three dollars;
John Jordon, sixteen dollars;

S. B. Stanton & Co., one dollar and ninety cents;
William Scudder, fifty dollars;
William Domigan, one hundred and fifty dollars;
James French, twenty three dollars and seventy eight cents;
James S. White, six dollars;
Lewis Battfied, five dollars;
J. C. Broderick, ten dollars and six cents;
George Koles, two dollars and twenty five cents;
James Stevens, fifteen dollars;
George Knupp, four dollars and fifty cents;
John Williard, two hundred and fifty eight dollars and fifty one cents;
William Kelsey, fifteen dollars.

That all appropriations, hereby made, are in addition to the unexpended balances of the appropriations of the year one thousand eight hundred and forty two, and the temporary appropriation of January three, one thousand eight hundred and forty three; and such balances shall be applicable to their designated objects, respectively.

Costs of prosecutions; how paid

SEC. 2. In all cases where judgments are, or may be, recovered for defalcations in the school funds, canal tolls, or upon suits of other funds than the general revenue, the auditor of state shall cause to be paid, from the first collections thereof, to the credit of the general revenue, any amount that may have been previously paid for costs, fees or expenses, in the prosecution of such suit.

Relative to the school fund.

SEC. 3. That the first, second and fifth sections of the act entitled "an act making appropriations for the year one thousand eight hundred and forty two," be and the same are hereby repealed; and the third section of the act, for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March seven, one thousand eight hundred and thirty eight, is hereby revived; and any deficiency in the common school fund shall be supplied from the general revenue.

Action under certain acts suspended.

SEC. 4. That the governor, the auditor of state, and the commissioners of the canal fund, are hereby severally required to suspend all further action under the "act to authorize a loan of credit, by the state, to railroad companies, and to authorize subscriptions, by the state, to the capital stock of turnpike, canal and slackwater navigation companies," and under the act repealing the above recited act, so far as said acts, or either of them, authorize or require subscriptions to the capital stock of any of said companies, the loaning of the credit of the state to any railroad company, the payment of money, or the issuing of bonds, warrants or drafts, for the payment thereof, excepting such only as may have been authorized by the present general assembly.

Board of bank commissioners to consist of two members.

SEC. 5. The board of bank commissioners shall, hereafter, consist of two members; and the members, now in the board, shall serve out the term for which they were elected.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To provide for supplying publishers of Newspapers with copies of the Laws and Journals of the General Assembly.

Publishers of newspapers to be furnished with laws and journals.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the state printer be and he hereby is required to print such extra numbers of copies of the laws and journals of the general assembly, not exceeding one hundred and seventy five copies, each, as will be sufficient to furnish one copy of each to the several publishers of weekly newspapers, printed within this state; and that the same be distributed at the same time, and in the same manner, as are the laws and journals, to those entitled to receive them.

Publishers at the seat of government to be furnished with copies of general laws.

SEC. 2. That for the purpose of effecting an early publication of the laws of a general nature, in the several newspapers within this state, it shall be the duty of the secretary of state, from and after the passage of this act, to furnish such publishers of newspapers, at the seat of the state government, as report in their papers the proceedings of the legislature, with a certified copy of each and every law of a general nature, immediately after such laws are passed, and deposited in the office of the said secretary of state.

Repealing clause.

SEC. 3. That so much of all laws, or parts of laws, as conflict with the provisions of this act, be and the same are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To amend the act entitled "An act to organize and discipline the Militia."

Personal notice of enrolment dispensed with; —Hereafter to be given by publication.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the second section of the act, to which this is an amendment, as requires personal service of notice of enrollment, and of the time and place of muster, be and the same is hereby repealed; and that, hereafter, it shall be the duty of the commandants of companies, at least twenty days before the time of company muster, either by publication in some newspaper of general circulation in the county, or, by notice posted up at three public places within the bounds of such company, to give notice to all such persons subject to perform militia duty in such company, of the time and place of muster.

List of delinquents to be made out.

SEC. 2. That it shall be the duty of the commandant of each company, in this State, to make out a list of delinquents, particularly noting therein the fines he has assessed on each member of his company, and for what cause; which list, duly certified and signed by him, he shall, within one week after each regimental, squadron, or battalion muster, deliver to the commandant of his regiment, squadron, or battalion; and it shall be the duty of the commandant of said regiment, squadron, or battalion, to give notice that he will attend, at eleven o'clock, A. M., on that day week, next succeeding the regimental, squadron, or battalion muster, and at the place where the regimental, squadron, or battalion muster was held, to whom any person, returned as delinquent as aforesaid, may appeal; and the commandant of said regiment, squadron, or battalion, may strike from said delinquent list the name of any person he deems to have been improperly fined.

Delinquent may appeal.

Notice to be served on delinquents, &c.

SEC. 3. That it shall be the duty of commandants of companies, upon making his list of delinquents, as provided for in the preceding section, to cause personal notice to be given, at least three days before the day appointed for that purpose, to each person named on said list, that he appear before the commandant of the proper regiment, squadron, or battalion, at the time and place for hearing appeals, as specified in the foregoing section, and show cause, if any he have, why a fine shall not be assessed against him for such delinquency; and upon its being made to appear that notice had been given, as aforesaid, and no cause being shown why such fine shall not be assessed, it shall be the duty of such commandant of such regiment, squadron, or battalion, as aforesaid, to assess the proper fine (whose decision shall be final,) against each delinquent notified as aforesaid, and, not showing cause, to issue his warrant, in the nature of an execution, against each of said delinquents, severally, for the collection of such fine; which warrant shall be put into the hands of any constable of the proper township

Commandant to assess fine, and issue warrant.

for collection, who, in the performance of his duties under this act, shall be governed by, and subject to the liabilities of, the laws pointing out and defining the duties of constables; and he shall be entitled to the same fees as are allowed by law for like services, upon executions from justices of the peace; and the moneys collected upon such warrants shall be paid over to the paymaster of the proper regiment, squadron, or battalion; the commandant, issuing such warrant as aforesaid, shall have power to issue new warrants in all cases in which it shall appear, by the constable's return, aforesaid, that the said fines, or any part thereof, remain unpaid. The commandants, and adjutants of regiments, squadrons, and battalions, and commandants of companies, shall be allowed and paid, out of the funds of the regiment, squadron, or battalion, the sum of one dollar per day, for every day they may be engaged in carrying into effect the provisions of this act.

Fines collected from independent companies to be paid to treasurers.

SEC. 4. That all fines, collected from members of independent companies, shall be paid over to the treasurers of such companies, to be appropriated in such manner as a majority of any such company shall direct.

What property exempt from execution.

SEC. 5. That each officer of a regiment or squadron of cavalry, and every member of a company or troop of horse within this State, in addition to the arms and accoutrements exempt from execution, shall, while liable to do military duty under the act to which this is an amendment, be entitled to hold a horse, saddle, martingal, bridle and valise, free from any execution or sale for debt, damages or taxes.

Minors exempt from militia duty in time of peace; but to be enrolled and returned.

SEC. 6. That all persons, under the age of twenty one years, be and they are hereby exempt from the performance of militia duty in time of peace; provided, however, that the commandant of every company shall keep all such persons enrolled, and return them in the aggregate strength of his company.

All commissions heretofore issued to expire in seven years.

SEC. 7. That all military commissions, heretofore issued, shall expire in seven years from the passage of this act; and all military commissions hereafter to be issued, except that of quartermaster general, shall expire in seven years from and after the day they shall respectively bear date.

FORM OF A WARRANT TO COLLECT FINES.

Form of a warrant.

The State of Ohio, County, ss.

To any Constable of the township of greeting:

Whereas, before me, A. B., commandant of the regiment, brigade, division, of the Ohio militia, a fine of was assessed against C. D., on the day of A. D., for delinquency, in not performing military duty; you are, therefore, commanded that, of the goods and chattels of the said C. D., you cause to be made the fine aforesaid, and costs that may accrue; and of this writ make legal service and due return. Given under my hand and seal, this day of

A. B., [SEAL.]

SEC. 8. That so much of the act to which this is an amendment, as conflicts with the provisions of this act, be and the same is hereby repealed. Repealing clause.

SEC. 9. That the quartermaster general shall hold his office for the term of three years; and the first election of quartermaster general, under the provisions of this section, shall take place at the present session of the general assembly, and his term of service shall commence on the first Monday in April, one thousand eight hundred and forty three. Quartermaster General.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To encourage the organization of Fire Companies.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person who is now, or shall hereafter become, an acting member of any fire engine, hook and ladder, hose, or other company, for the extinguishment of fire, or the protection of property at fires, now existing, and under the control of the corporate authorities of any city or incorporated town within this state, or of any such company which shall, hereafter, be organized under, and subject to, the authorities of any city or town, as aforesaid, shall, during the time he may continue an acting member of such company, be exempted from the performance of any military duty, and from serving as a juror; and any person who shall have been an acting member of any such company, in any city or town, as aforesaid, and shall have faithfully discharged his duties as such, for the term of five years, shall be forever, thereafter, exempted from the performance of military duty in the time of peace, from serving as a juror, and from the performance of labor on the highways. Members exempt from military duty. Additional exemption.

SEC. 2. That any person who has served in any company for the term of five years, as provided in the preceding section, shall be entitled to receive from the foreman of the company, of which he shall have been a member, a certificate to that effect; and, on the presentation of such certificate to the clerk or recorder of the proper city or town, it shall be the duty of such clerk or recorder, to file the same in his office, and to give his certificate, under the corporate seal, to the person entitled thereto, setting forth the name of the company of which such person shall have been a member, and the duration of such Member to procure certificate from foreman.

membership; and such certificate shall be received, in all courts and places, as evidence that the person, legally holding the same, is entitled to the exemptions hereinbefore mentioned; provided that nothing herein contained shall be so construed as to diminish any privileges, now allowed by any law of this state, to any member of any fire company in this state, but shall be considered as conferring additional privileges.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To provide for the management and control of the Maumee and Western Reserve Road.

Who to have charge of the road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works shall place the Maumee and Western Reserve road in charge of the resident engineer upon the Wabash and Erie canal, under such orders and provisions, for the repair of the same, as they shall deem proper for the preservation of said work.

Engineer to settle with gatekeepers monthly.

SEC. 2. The said resident engineer shall, at the close of each month, settle with the gatekeepers on said road, and receive from them all moneys received by them during the month, for tolls, fines, or other revenues on said road, and shall pay to said gatekeepers, from the same, the amount of compensation allowed by the order of the board for their services.

Engineer to pay expenses, and forward monthly account to auditor of state.

SEC. 3. The said engineer shall pay, from such receipts, the expenses incurred during such month, for repairs on said road, and shall, within ten days after such settlement with the gatekeepers, make out and transmit, by mail, to the auditor of state, an account of all moneys so received, and the amount expended in repairs, and shall pay the balance, if any, remaining in his hands, into the state treasury, to the credit of said road, taking duplicate receipts therefor.

Engineer to make quarterly settlement.

SEC. 4. The said engineer shall, quarterly, make settlement with the acting commissioner in charge of said work, and shall account to the said commissioner for all moneys received, and furnish the vouchers for all moneys expended for repairs or services on said road, and the amount paid to the treasurer of state; and the acting commissioner shall receive said account and vouchers, and give to said engineer a receipt, specifying the settlement of said quarterly account.

Acting commissioner to file accounts with auditor of state.

SEC. 5. The acting commissioner shall, annually, on the first day of November, file said accounts in the office of the auditor of state, who shall open and keep an account for said

road in the books of his office, charging the work with all moneys received, and crediting it with repairs and amounts paid into the treasury of state; and he shall report said account, with the other accounts of the department of public works, in his annual report to the general assembly.

Fund; how appropriated.

SEC. 6. The fund in the treasury, arising from tolls on said road, shall be held subject to the appropriations of the existing laws, relating to the same.

Compensation of engineer.

SEC. 7. The resident engineer, in charge of said road, shall not be entitled to receive any additional compensation, to that now paid him as resident engineer upon the Wabash and Erie canal.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, OHIO, *May* 20, 1843.

I hereby certify that the foregoing acts are true copies of the original rolls on file in this department.

J. SLOANE,
Secretary of State.

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An act to modify the existing boundaries of the counties of Pike and Jackson, passed February 7, 1843, O. L. vol. 41, page 55.

An act to extend to Lake county the provisions of the seven first and the last sections of an act entitled "an act to provide for the collection and payment of costs in prosecutions for minor offences in the county of Cuyahoga," passed March 20, 1841, passed February 9, 1843, O. L. vol. 41, page 64.

An act to repeal the act authorizing the holding of special courts in the county of Cuyahoga, passed February 9, 1843, O. L. vol. 41, page 65.

An act to authorize the commissioners of Hamilton county to borrow money, and for other purposes, passed February 9, 1843, O. L. vol. 41, page 65.

An act to amend the act entitled "an act to erect the county of Summit," passed March 3, 1840, passed February 28, 1843, O. L. vol. 41, page 97.

An act to authorize the county commissioners of Sandusky county to levy an additional tax for county purposes, passed February 28, 1843, O. L. vol. 41, page 97.

An act to attach a part of Pickaway county to the county of Ross, passed March 7, 1843, O. L. vol. 41, page 129.

An act to regulate the fees of certain officers and witnesses in Hamilton county, and for other purposes, passed March 10, 1843, O. L. vol. 41, page 151.

An act to authorize the commissioners of Wood county to apply the bridge funds of said county to road purposes, passed March 10, 1843, O. L. vol. 41, page 155.

COUNTIES AND COUNTY COMMISSIONERS—*Continued.*

An act making special appropriation to Champaign county, for school purposes, passed March 10, 1843, O. L. vol. 41, page 155.

An act to improve the fisheries on the Sandusky river, within the counties of Seneca and Sandusky, passed March 10, 1843, O. L. vol. 41, page 156.

An act to change the time of holding the court of common pleas in Hamilton county, passed March 11, 1843, O. L. vol. 41, 168.

An act to authorize the commissioners of Hamilton county to employ some suitable person to make a plat of all lots in the several divisions and subdivisions in the city of Cincinnati; also, in the several additions to said city lying in the townships of Millcreek and Storrs, in said county, passed March 13, 1843, O. L. vol. 41, page 222.

An act to authorize the county commissioners of Vanwert county to levy an additional tax for road purposes, passed February 17, 1843, O. L. vol. 41, page 86.

An act to authorize the county commissioners of Putnam county to levy an additional tax for road purposes, passed February 17, 1843, O. L. vol. 41, page 87.

An act to authorize the county commissioners of Henry county to levy an additional tax for road and bridge purposes, passed February 17, 1843, O. L. vol. 41, page 87.

An act to vacate the outlots in tract No. 3, in the reservation of two miles square, at the foot of the rapids of the Sandusky river, passed February 28, 1843, O. L. vol. 41, page 100.

An act to authorize the holding of a special term of the court of common pleas within and for the county of Franklin, passed March 13, 1843, O. L vol. 41, page 218.

DIVORCES.

An act to divorce Andrew W. Oliver from his wife, Julia Ann Oliver, and Elizabeth Reppy from her husband Henry Reppy, passed March 13, 1843, O. L. vol. 41, page 216.

An act to divorce Salathiel C. Coffinbery from his wife, Catharine Coffinbery, passed January 25, 1843, O. L. vol. 41, page 45.

An act to divorce Elizabeth Manville from her husband Eli Manville, passed February 17, 1843, O. L. vol. 41, page 84.

An act to divorce Isabella Cliffe, from her husband Joseph S. Cliffe, passed February 17, 1843, O. L. vol. 41, page 84.

An act to divorce John A. Ackley from his wife, Caroline Ackley, passed March 11, 1843, O. L. vol. 41, page 174.

An act to divorce Frances J. Stephenson from her husband, J. H. Stephenson, passed March 13, 1843, O. L. vol. 41, page 206.

An act to divorce Maria Miser from her husband Henry Miser, passed March 13, 1843, O. L. vol. 41, page 206.

An act to divorce Adaline M. Parish, from her husband Daniel Parish, and for other purposes, passed March 13, 1843, O. L. vol. 41, page 207.

An act to divorce Louisa H. Storrs from her husband Eli A. Storrs, passed March 13, 1843, O. L. vol. 41, page 207.

An act to divorce Lois Jane Ann O'Harra from her husband, Manual C. O'Harra, passed March 13, 1843, O. L. vol. 41, page 207.

An act to divorce Henry M. Cooper from his wife, Catharine Ann Cooper, and Joseph Field from his wife, Theodosia Field, passed March 13, 1843, O. L. vol. 41, page 214.

DIVORCES—*Continued.*

An act to divorce Ralph Bingham from his wife, Esther Bingham, and Richard Shumard from his wife Susan, passed March 13, 1843, vol. 41, page 215.

An act to divorce Jacob Kesler from Susanna Kesler, his wife, and Michael S. Rockey from his wife, Elizabeth Jane Rockey, passed March 13, 1843, O. L. vol. 41, page 215.

An act to divorce Sarah Cowles from her husband Edward Cowles, and Rachel Fox from her husband Samuel Fox, passed March 13, 1843, O. L. vol. 41, page 215.

FIRE COMPANIES.

An act to incorporate the Mechanics' Fire Engine and Hose Company, No. 2, of Fulton, passed February 9, 1843, O. L. vol. 41, page 71.

An act to incorporate the Lewistown Fire Engine and Hose Company, passed February 26, 1843, O. L. vol. 41, page 102.

An act to incorporate the Ohio Fire Engine and Hose Company, of the town of Fulton, passed February 28, 1843, O. L. vol. 41, page 103.

An act to incorporate the Franklin Fire Engine and Hose Company, No. 4, of Cincinnati, passed March 2, 1843, O. L. vol. 41, page 117.

An act to incorporate the Minster Fire Company Association, passed March 10, 1843, O. L. vol. 41, page 163.

An act to incorporate the Utility, Fire Engine, Hose, Hook and Ladder Company, No. 1, of the town of Lithopolis, Fairfield county, passed March 11, 1843, O. L. vol. 41, page 196.

An act to incorporate Fire Company No. 1, of the town of Delaware, in the county of Delaware, passed March 11, 1843, O. L. vol. 41, page 197.

An act to incorporate the Hook and Ladder Company, of Covington, in the county of Miami, passed March 11, 1843, O. L. vol. 41, page 198.

An act to incorporate the Hillsborough Fire Company, passed March 11, 1843, O. L. vol. 41, page 199.

An act to incorporate the Richmond Hook and Ladder Company, passed March 11, 1843, O. L. vol. 41, page 199.

An act to incorporate Fire Company, No. 2, of the town of Delaware, in the county of Delaware, passed March 11, 1843, O. L. vol. 41, page 200.

An act to incorporate the Milan Fire Engine Hook and Ladder Company, in Erie county, passed March 13, 1843, O. L. vol. 41, page 227.

FREE TURNPIKES.

An act to establish a free turnpike from Bellefontaine, in Logan county, to Port Jefferson, in Shelby county, passed January 11, 1843, O. L. vol. 41, page 21.

An act to amend an act entitled "an act to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana State line, passed March 2, 1843, O. L. vol. 41, page 115.

An act to establish a free turnpike road, from Sidney, in Shelby county, to Waupaukonnetta, in Allen county, passed March 7, 1843, O. L. vol. 41, page 131.

An act to establish a free turnpike road, from Westville, in Champaign county, through Sidney, in Shelby county, to St. Marys, in Mercer county, passed March 10, 1843, O. L. vol. 41, page 165.

FREE TURNPIKES—*Continued.*

An act to lay out and establish a free turnpike road from Lima, in the county of Allen, to Defiance, in the county of Williams, passed March 11, 1843, O. L. vol. 41, page 201.

An act to establish a free turnpike road from Ottawa, in the county of Putnam, to the Indiana State line, in the county of Williams, passed March 13, 1843, O. L. vol. 41, page 229.

INSURANCE COMPANIES.

An act to amend an act entitled "an act to incorporate the Fireman's Insurance Company, of Cincinnati," passed the 9th day of June, 1832, passed January 16, 1843, O. L. vol. 41, page 26.

An act to incorporate the Greene county Mutual Insurance Company, passed January 21, 1843, O. L. vol. 41, page 33.

An act to incorporate the Trumbull Mutual Fire Insurance Company, passed February 28, 1843, O. L. vol. 41, page 94.

An act to incorporate the Ohio Mutual Fire Insurance Company, passed March 11, 1843, O. L. vol. 41, page 178.

An act to incorporate the Highland county Mutual Insurance Company, passed March 11, 1843, O. L. vol. 41, page 183.

LITERARY SOCIETIES.

An act to incorporate the Young Men's Literary Association, of Springfield, passed January 11, 1843, O. L. vol. 41, page 14.

An act to incorporate the Defiance Literary Lyceum, in the county of Williams, passed January 11, 1843, O. L. vol. 41, page 15.

An act to incorporate the Young Men's Franklin Society, of Granville College, in Licking county, passed January 19, 1843, O. L. vol. 41, page 30.

An act to incorporate the Alexandria Literary Society, at Alexandria, in the county of Licking, passed February 17, 1843, O. L. vol. 41, page 86.

An act to incorporate the Miami Union Literary Society, of Miami University, passed March 7, 1843, O. L. vol. 41, page 125.

An act to change the name of the Franklin Society of Granville College, in Licking county, passed March 13, 1843, O. L. vol. 41, page 220.

LIBRARY SOCIETIES.

An act to incorporate the Badger Library Society, of Plain, in the county of Wood, passed February 2, 1843, O. L. vol. 41, page 52.

An act to incorporate the New Orange Library Society of Cass, in Miami county, passed February 17, 1843, O. L. vol. 41, page 85.

An act to incorporate the Jefferson Library Association, in the township of Jefferson, in the county of Ashtabula, passed February 28, 1843, O. L. vol. 41, page 91.

LYCEUMS.

An act to incorporate the Defiance Literary Lyceum, in the county of Williams, passed January 11, 1843, O. L. vol. 41, page 15.

An act to incorporate Wayne township Lyceum, of Jefferson county, passed February 2, 1843, O. L. vol. 41, page 52.

LYCEUMS—*Continued.*

An act to incorporate the Mechanics' Lyceum, and Library Association, of the town of Warren, in the county of Trumbull, passed March 11, 1843, O. L. vol. 41, page 176.

MISCELLANEOUS ASSOCIATIONS.

An act to incorporate the Berlin Union Society, in the county of Holmes, passed January 10, 1843, O. L. vol. 41, page 9.

An act to amend an act entitled "an act to amend an act entitled, 'an act to incorporate the trustees of the Windham School Fund,'" passed February 18, 1830, passed January 16, 1843, O. L. vol. 41, page 26.

An act to incorporate the Cincinnati Association of Steamboat Engineers, passed January 16, 1843, O. L. vol. 41, page 28.

An act to amend an act entitled "an act to amend an act entitled 'an act to incorporate the Toledo and Sandusky railroad company,' passed March 16, 1838," passed February 15, 1843, O. L. vol. 41, page 88.

An act to incorporate the St. Aloysius Orphan Society, of Cincinnati, passed March 2, 1843, O. L. vol. 41, page 112.

An act to incorporate the Cambrian Association, of Cincinnati for the diffusion of useful knowledge, passed March 2, 1843, O. L. vol. 41, page 114.

An act to incorporate the Freeman's Building Society, of Williamsfield, passed March 10, 1843, O. L. vol. 41, page 159.

An act to incorporate the New Paris Musical Institute, of Preble county, passed March 11, 1843, O. L. vol. 41, page 174.

An act to incorporate the Massillon Young Men's Polemic Society, in Stark county, passed March 11, 1843, O. L. vol. 41, page 175.

An act to incorporate the Cedarville Manufacturing Company, passed March 11, 1843, O. L. vol. 41, page 194.

An act to incorporate the Morgan county Medical Society, passed March 10, 1843, O. L. vol. 41, page 145.

An act to incorporate the Mechanics' Association of Fulton, Hamilton county, passed March 13, 1843, O. L. vol. 41, page 226.

PRIVATE PERSONS.

An act for the relief of Henry C. Rogers, passed January 6, 1843, O. L. vol. 41, page 8.

An act for the relief of the sureties of Lewis P. Buckley, passed January 19, 1843, O. L. vol. 41, page 29.

An act for the relief of Martha Ann Lee, passed February 28, 1843, O. L. vol. 41, page 99.

An act to enable Jonathan Caywood and Walter Athy to surrender their leases to certain school lands, passed March 2, 1843, O. L. vol. 41, page 110.

An act to legalize the official acts of Lewis D. Boynton, Brigadier General 2d brigade, 9th division of the militia of the State of Ohio, passed March 10, 1843, O. L. vol. 41, page 145.

An act to settle the claims of Edmund Lytle and George D. Leckey, passed March 10, 1843, O. L. vol. 41, page 147.

An act to restore Michael Horne to his legal rights and privileges, passed March 10, 1843, O. L. vol. 41, page 149.

PRIVATE PERSONS—*Continued.*

An act to enable the administrators of Thomas Lloyd to sell the real estate of said decedent, in Ohio, passed March 11, 1843, O. L. vol. 41, page 188.

An act empowering Nathan G. Sales to construct a certain millrace in Paulding county, passed March 11, 1843, O. L. vol. 41, page 189.

An act to authorize Christian Huber to enter certain lands in the Ohio Canal Land Office, at Lima, passed March 11, 1843, O. L. vol. 41, page 190.

An act for the relief of certain lessees, in Butler county, passed March 13, 1843, O. L. vol. 41, page 214.

An act for the relief of John Purinton, Daniel Sartwell and Henry Primer, passed March 13, 1843, O. L. vol. 41, page 224.

An act for the relief of David W. Boyer, passed March 13, 1843, O. L. vol. 41, page 224.

An act to authorize the Governor to make a deed for one hundred and two acres of land to Frederick Benner, passed February 28, 1843, O. L. vol. 41, page 98.

SCHOOL SECTIONS.

An act to amend the act providing for the sale of school section sixteen, in Tymochtee township, Crawford county, passed January 10, 1843, O. L. vol. 41, page 9.

An act to authorize the lessees on sections number twenty nine, in Sycamore, Symmes and Columbia townships, also, the lessees on section number sixteen, Columbia township, Hamilton county, to surrender their leases and take deeds, passed January 25, 1843, O. L. vol. 41, page 42.

An act regulating the principal and interest arising from the sale of section sixteen, in Delhi township, Hamilton county, passed February 9, 1843, O. L. vol. 41, page 61.

An act to authorize the sale of fractional school section sixteen, in fractional township six, in the county of Wood, passed February 28, 1843, O. L. vol. 41, page 90.

An act to authorize the sale of the West half of section 20, township 18, range 20, lying in Richland county, belonging to Gilead township, in Marion county, for the use of schools, and also lands lying in Richland county, belonging to fractional townships in Knox county, passed February 26, 1843, O. L. vol. 41, page 90.

An act to amend an act entitled, "an act to authorize the sale of school section No. 16, in Union township, Putnam county," passed March 7, 1842, passed March 2, 1843, O. L. 41, page 111.

An act for the sale of school section sixteen, in Biglick township, Hancock county, passed March 3, 1843, O. L. vol. 41, page 111.

An act to extend and amend the act entitled "an act to authorize the sale of school section number 16, in township number 3, in the United States Reserve of twelve miles square, at the foot of the rapids of the Miami of Lake Erie, in the county of Lucas, passed March 2, 1843, O. L. vol. 41, page 112.

An act to authorize the sale of school section number sixteen, in Union township, in the county of Hancock, passed March 7, 1843, O. L. vol. 41, page 126.

An act to authorize the sale of school section 16, in the original surveyed township number five, of range number seven, in Monroe county, passed March 10, 1843, O. L. vol. 41, page 141.

SCHOOL SECTIONS—*Continued.*

An act to authorize the trustees of school section sixteen, in Rome township, Athens county, to lease certain school lands, passed March 10, 1843, O. L. vol. 41, page 141.

An act to authorize the sale of school section number 16, in township number 5, north, of range number 12, east, in Wood county, passed March 10, 1843, O. L. vol. 41, page 142.

An act to authorize the sale of the west half of section twelve, township three, north, of range sixteen, which has been set apart for school purposes, in Adams township, Seneca county, passed March 10, 1843, O. L. 41, page 142.

An act to authorize the leasing of certain school lands in the county of Athens, passed March 10, 1843, O. L. vol. 41, page 143.

An act to authorize the reappraisement and sale of certain tracts of Moravian school lands, in the county of Tuscarawas, passed March 10, 1843, O. L. vol. 41, page 143.

An act to authorize the sale of the northwest quarter, of section sixteen, in township fifteen, of range three, in Columbiana county, passed March 10, 1843, O. L. vol. 41, page 144.

An act to authorize the sale of school section sixteen, in Hicksville township, in the county of Williams, passed March 11, 1843, O. L. vol. 41, page 175.

An act to authorize the sale of school section sixteen, in township 13, and range 1, east, in Darke county, passed March 11, 1843, O. L. vol. 41, page 176.

An act to authorize the sale of school section number 16, in township 3, north, of range number 1, east, in Paulding county, passed March 11, 1843, O. L. vol. 41. page 177.

An act to authorize the sale of school section number 16, in Center township, in the county of Williams, passed March 13, 1843, O. L vol. 41, page 217.

An act to authorize the sale of school section number sixteen, in Pulaski township, in the county of Williams, passed March 13, 1843, O. L. vol. 41, 218.

An act to authorize the sale of section number 29, in townships numbers 4 and 5, and third range, in Warren county, passed February 28, 1843, O. L. vol. 41, page 91.

SCHOOLS AND SCHOOL LANDS.

An act to erect the Risdon common school district, passed March 7, 1843, O. L. vol. 41, page 125.

An act making a special appropriation to Champaign county for school purposes, passed March 10, 1843, O. L. vol. 41, page 155.

An act to divide school district number 1, in the township of Warren, in the county of Trumbull, passed March 13, 1843, O. L. vol. 41, page 219.

An act to authorize the town council of the town of Springfield, to divide the said town into school districts, passed March 13, 1843, O. L. vol. 41, page 219.

An act to divide the town of Lancaster into school districts, passed March 13, 1843, O. L. vol. 41, page 216.

SALT LANDS.

An act to extend to the purchasers of the Salt Reserve Lands, in Jackson county, further time to make payment for the same, passed January 11, 1843, O. L. vol. 41, page 18.

SEATS OF JUSTICE.

An act to establish the seat of justice of Lucas county, passed February 14, 1843, O. L. vol. 41, page 83.

STATE ROADS.

An act to lay out and establish a State Road in the counties of Champaign Miami and Montgomery, passed January 11, 1843, O. L. vol. 41, page 17.

An act to lay out and establish a State Road in the counties of Lake and Cuyahoga, passed January 11, 1843, O. L. vol. 41, page 21.

An act to lay out and establish a State Road in the counties of Hardin, Allen and Mercer, passed January 19, 1843, O. L. vol. 41, page 30.

An act to lay out and establish a State Road in the counties of Allen and Vanwert, passed January 24, 1843, O. L. vol. 41, page 41.

An act to reduce the width of the State Road leading from Dayton to Salem, in Montgomery county, passed January 25, 1843, O. L. vol. 41, page 48.

An act to lay out and establish a State Road in the counties of Gallia and Meigs, passed February 9, 1843, O. L. vol. 41, page 71.

An act to lay out and establish a graded State Road in the counties of Stark and Portage, passed February 28, 1843, O. L. vol. 41, page 89.

An act to lay out and establish a State Road in the counties of Athens and Hocking, passed February 28, 1843, O. L. vol. 41, page 99.

An act to lay out and establish a State Road in the counties of Stark and Tuscarawas, passed February 28, 1843, O. L. vol. 41, page 100.

An act to lay out and establish a graded State Road from Palmyra, Knox county, to Mansfield in Richland county, passed February 28, 1843, O. L. vol. 41, page 101.

An act to lay out and establish a State Road from Nelsonville, in the county of Athens to Thomas O'Neal's, in Hocking county, passed February 28, 1843, O. L. vol. 41, page 101.

An act to lay out and establish a State Road in the counties of Belmont and Jefferson, passed February 28, 1843, O. L. vol. 41, page 102.

An act to lay out and establish a State Road in the counties of Vanwert and Mercer, passed March 2, 1843, O. L. vol. 41, page 114.

An act to lay out and establish a State Road in the counties of Hancock and Hardin, passed March 2, 1843, O. L. vol. 41, page 116.

An act to lay out and establish a State Road in the counties of Paulding and Vanwert, passed March 7, 1843, O. L. vol. 41, page 126.

An act to lay out and establish a State Road in the counties of Coshocton and Tuscarawas, passed March 7, 1843, O. L. vol. 41, page 130.

An act to lay out and establish a Graded State Road in the counties of Columbiana and Stark, passed March 10, 1843, O. L. vol. 41, page 161.

An act to lay out and establish a State Road in the counties of Monroe and Washington, passed March 10, 1843, O. L. vol. 41, page 161.

An act to lay out and establish a State Road in the counties of Vanwert, Mercer and Allen, passed March 10, 1843, O. L. vol. 41, page 162.

An act to lay out and establish a State Road in the counties of Athens and Jackson, passed March 10, 1843, O. L. vol. 41, page 163.

An act to lay out and establish a State Road from the city of Columbus, to Sandusky City, in Erie county, passed March 13, 1843, O. L. vol. 41, page 227.

An act to lay out and establish a State Road in the counties of Paulding and Williams, passed March 11, 1843, O. L. vol. 41, page 195.

STATE ROADS—*Continued.*

An act to lay out and establish a State Road in the counties of Franklin and Fairfield, and to extend the State Road, heretofore established, on the line between the counties of Fairfield and Pickaway, and Fairfield and Franklin, passed March 11, 1843, O. L. vol. 41, page 196.

An act to amend the act entitled "an act to lay out and construct a Graded State Road from Jeromesville, in Wayne county, to Sunbury, in Delaware county, passed March 13, 1843, O. L. vol. 41, page 226.

TOWN INCORPORATIONS.

An act to repeal an act entitled "an act to incorporate the town of Mount Vernon, in Knox county," passed December 20, 1842, O. L. vol. 41, page 3.

An act to incorporate the town of Franklin Square, in the county of Columbiana, passed January 10, 1843, O. L. vol. 41, page 10.

An act to amend the act entitled "an act to incorporate the town of Elyria, in the county of Lorain, passed February 23, 1833;" passed January 11, 1843, O. L. vol. 41, page 19.

An act to extend the corporate limits of the town of Newark, in the county of Licking, passed January 11, 1843, O. L. vol. 41, page 20.

An act to repeal the eleventh section of an act to incorporate the town of Alexdria, in the county of Licking, passed January 19, 1843, O. L. vol. 41, page 31.

An act to incorporate the town of Cedarville, in the county of Greene, passed January 21, 1843, O. L. vol. 41, page 39.

An act to modify the corporate limits of the town of Bainbridge, in the county of Ross, passed January 21, 1843, O. L. vol. 41, page 41.

An act to amend an act entitled "an act to incorporate the town of Marysville, in the county of Union," passed March 15, 1838; passed January 25, 1843, O. L. vol. 41, page 47.

An act to repeal an act entitled "an act to incorporate the town of Mount Eaton, in Wayne county," passed January 25, 1843, O. L. vol. 41, page 49.

An act to amend the act entitled "an act to incorporate the town of West Alexandria, in the county of Preble," passed March 14, 1836; passed February 2, 1843, O. L. vol. 41, page 52.

An act to extend the corporate limits of the town of Circleville, and to amend the act incorporating said town, passed February 7, 1843, O. L. vol. 41, page 56.

An act to amend the act entitled "an act to incorporate the town of Akron, in Summit county," passed March 12, 1836; passed February 9, 1843, O. L. vol. 41, page 66.

An act further to amend the several acts, relating to the town of Rossville, in Butler county, passed February 9, 1843, O. L. vol. 41, page 68.

An act to vacate the town plat of the town of Seville, in the county of Columbiana, passed February 9, 1843, O. L. vol. 41, page 72.

An act to repeal the act entitled "an act to incorporate the town of Marion, in the county of Marion," and for other purposes, passed February 9, 1843, O. L. vol. 41, page 76.

An act to repeal the act incorporating the town of Jackson, in the county of Jackson, passed February 28, 1843, O. L. vol. 41, page 104.

An act to vacate a part of the borough of Conneaut, in the county of Ashtabula, passed March 10, 1843, O. L. vol. 41, page 157.

An act to repeal the charter of the town of Western Star, passed March 10, 1843, O. L. vol. 41, page 157.

TOWN INCORPORATIONS—*Continued.*

An act to amend an act entitled "an act to incorporate the town of Leesburg," passed March 14, A. D., 1836; passed March 10, 1843, O. L. vol. 41, page 158.

An act to legalize the survey of the town of Troy, (now Hockingport,) in the county of Athens, made under the direction of the agent of the Ohio Company, in 1813, passed March 10, 1843, O. L. vol. 41, page 158.

An act to extend the corporate limits of the town of Woodsfield, and for other purposes, passed March 10, 1843, O. L. vol. 41, page 160.

An act to incorporate the town of Chesterfield, in the county of Athens, passed March 10, 1843, O. L. vol. 41, page 173.

An act to repeal the charter of the town of Kalida, in the county of Putnam, passed March 11, 1843, O. L. vol. 41, page 192.

An act to repeal the act entitled "an act to incorporate the village of Mechanicstown, in the county of Carroll," passed February 22, 1839; passed March 11, 1843, O. L. vol. 41, page 195.

An act to incorporate the town of Piqua, Miami county, passed March 13, 1843, O. L. vol. 41, page 208.

An act to amend the act entitled "an act to incorporate the town of Greenville," passed February 4, 1839; passed March 13, 1843, O. L. vol. 41, page 223.

An act to repeal the charter of the town of Findlay, passed March 13, 1843, O. L. vol. 41, page 224.

An act to incorporate the town of Mansfield, in the county of Richland, and to repeal all acts now in force in relation thereto, passed March 13, 1843, O. L. vol. 41, page 235.

TOWNSHIPS.

An act authorizing the revaluation of section twenty nine, in the original surveyed township, number five, in the third entire range, between the Miami rivers, in Warren county, passed December 26, 1842, O. L. vol. 41, page 4.

An act to authorize the Trustees of the township of Milton, in the county of Trumbull, to lay off said township into School Districts, passed February 9, 1843, O. L. vol. 41, page 60.

An act to authorize the Trustees of the township of Painesville, in the county of Lake, to divide the town of Painesville into School Districts, passed February 9, 1843, O. L. vol. 41, page 62.

An act to divide the township of Millcreek, in the county of Hamilton, into Election Districts, passed March 11, 1843, O. L. vol. 41, page 190.

TURNPIKE COMPANIES.

An act to repeal an act entitled "an act to incorporate a company to construct a Turnpike Road, from Columbus to Sandusky City," passed January 31, 1826; passed February 28, 1843, O. L. vol. 41, page 104

An act to amend the act to incorporate the Zanesville and Maysville Turnpike Road Company, and also to amend an act to incorporate the Milford and Chillicothe Turnpike Road Company, and to regulate the collection of toll on said road, passed February 28, 1843, O. L. vol. 41, page 105.

An act to incorporate the North Miami Turnpike Company, passed March 10, 1843, O. L. vol. 41, page 164.

An act to amend the "act to incorporate the Miami and Montgomery Turnpike Company," passed March 27, 1841; passed March 10, 1843, O. L. vol. 41, page 167.

TURNPIKE COMPANIES—*Continued.*

An act relating to the establishment of a Turnpike Gate, on the Cincinnati, Columbus and Wooster Turnpike Road, in the town of Fulton, Hamilton county, passed March 10, 1843, O. L. vol. 41, page 168.

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Auditor Warren County

ACTS OF A LOCAL NATURE,

PASSED BY THE

FORTY FIRST GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS,

COMMENCING

DECEMBER 5, 1842.

AND

IN THE FORTY FIRST YEAR OF SAID STATE.

VOL. XLI.

COLUMBUS:

SAMUEL MEDARY, STATE PRINTER.

1843.

Quod erat demonstrandum.

LOCAL LAWS.

AN ACT

To repeal an act entitled "An act to incorporate the town of Mount Vernon, in Knox county."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to incorporate the town of Mount Vernon, in Knox county," passed February twenty two, one thousand eight hundred and thirty, be and the same is hereby repealed, except so far as may be necessary to pay the debts, close the affairs, and dispose of the property of the existing corporation, by the present officers thereof, who shall continue in office for that purpose, and no other.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

December 20, 1842.

AN ACT

To amend the act to incorporate the German Evangelical Church of Dayton.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the German Evangelical Church of Dayton, shall, after the passage of this act, be known by the name of the German Evangelical Lutheran Church of Dayton.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

December 26, 1842.

AN ACT

To incorporate the United Protestant Evangelical German St. Peter's Church, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio.* That Henry Snider, Peter Bittman, Frederick Pfister, Michael Harsh, Michael Himmel, Andrew Kiefer, Valentine Walter, Valentine Kuhn, and John Ehermaun, and their successors, be and they are hereby created a body corporate and politic, by the name of the United Protestant Evangelical German St. Peter's Church, of Cincinnati; and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five.

SEC. 2. The said corporators shall give ten days notice, by advertisement in two newspapers, printed and in circulation in Cincinnati, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

December 26, 1842.

AN ACT

Authorizing the revaluation of section twenty nine, in the original surveyed township, number five, in the third entire range, between the Miami rivers, in Warren county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the original surveyed township, number five, in the third entire range, between the Miami rivers, in Warren county, be and they are hereby authorized and required to cause to be reappraised, in the month of February, one thousand eight hundred and forty three, the several lots in section number twenty nine, in said original surveyed township, which reappraisement shall be made and returned upon the principle, and in the mode prescribed by the sixteenth section of the act entitled "an act to incorporate the original surveyed townships," passed March fourteen, one thousand eight hundred and thirty one.

SEC. 2. Before said reappraisement shall be considered valid, and binding upon the present lessees, or owners of lots in said section twenty nine, such lessees or owners shall severally give their written assent thereto, and to the provisions of this act, which assent shall be recorded by the clerk of said original surveyed township, upon the records thereof; and from thenceforth said trustees and their successors in office shall be authorized to collect and receive, and such lessee or lessees, owner or owners, thus giving their assent as aforesaid, their executors, administrators, or assigns, shall

be bound to pay to said trustees, and their successors in office, the sum of six per centum per annum on the amount of such revaluation, yearly, on the day stipulated in their several leases, until the period of the next regular revaluation; and until such assent be given, as is above provided, the existing appraisements shall be and remain in full force and effect, until the next regular revaluation, provided that nothing herein contained shall be construed to affect or impair the covenant for revaluation contained in either of the leases in said section twenty nine, or any of the covenants or stipulations therein contained, further than is expressly provided for by this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN.
Speaker of the Senate.

December 26, 1842.

AN ACT

To incorporate the United Protestant Evangelical German Church, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George Cronimus, George Frintz, Henry Steagner, Gottlieb Dolmatsch, George Keppner, Adam Laudfut, Philip Lortz, Peter Kline, and John Jacob Snyder, and their successors, be and they are hereby created a body corporate and politic, by the name of the United Protestant Evangelical German Church, of Cincinnati, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and shall be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six; and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, A. D., one thousand eight hundred and twenty five.

SEC. 2. The said corporators shall give ten days notice, by advertisement in three newspapers printed in Cincinnati, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN.
Speaker of the Senate.

January 3, 1843.

AN ACT

To incorporate the First Presbyterian Church of the town of Waverly, in Pike county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Carolus and Thomas Howard, be and they are hereby created a body politic and corporate by the name and style of the First Presbyterian Church of the town of Waverly, in Pike county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places within the town aforesaid.

SEC. 3. The private and individual property of the trustees of said society shall be held responsible for the payment of the debts of the said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 3, 1843.

AN ACT

To incorporate the members of the Mohican German Lutheran and Reformed Congregation of Lake township, in the county of Wayne.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George Haber, George Reachard, John Wolts, George Long, John Lightcap, John Schaeffer, Adam Lernhard, George Koutzer, Karl F. Kunert, Michael Scherr, Godfried Kied, John Harner, Frederic Etzwiler, members of the Mohican German Lutheran and Reformed Congregation of Lake township, in the county of Wayne, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of Jacob's Church, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places within said township of Lake.

SEC. 3. That the private and individual property of the corporators shall be held responsible for the payment of the debts of the said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 3, 1843.

AN ACT

To incorporate the Presbyterian Church of Monroe, Clermont county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Johnson, John M'Niel, James Richardson, and their successors, be and they are hereby created a body corporate and politic, by the name of the Presbyterian Church of Monroe, in the township of Monroe, and county of Clermont, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled an act securing to religious societies perpetuity of title to lands and tenements, in trust for meeting houses, burying grounds, or residences for preachers, passed January third, anno domini, one thousand eight hundred and twenty five.

SEC. 2. The corporators shall give ten days notice, by advertisement in three public places in the aforesaid township, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 3, 1843.

AN ACT

To incorporate the Presbyterian Centre Unity Church, of German township, Harrison county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Peoples, James Hanna, sen., and Lewis W. Ralston, be and they are hereby created a body politic and corporate, by the name and style of the Presbyterian Centre Unity Church, of the township of German, Harrison county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places within the township aforesaid.

SEC. 3. The private and individual property of the corporators shall be held responsible for the payment of the debts of the said church, after the corporate property shall have been exhausted.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 3, 1843.

AN ACT

To incorporate "The United German Evangelical Lutheran and German Evangelical Reformed St. John's Congregation, of Tiffin, Seneca county."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Andrew Albright, Philip Wentz, Valentine Sewald, Francis Santer, Andrew Bloom, Andrew Dencer, Philip Sewald, John Ditto, Jacob Boyer and William Lang, and those who are, or may be hereafter, associated with them, and their successors, are hereby created a body corporate and politic, by the name of the United German Evangelical Lutheran, and German Evangelical Reformed St. John's Congregation, of Tiffin, Seneca county, agreeably to an act passed March fifth, one thousand eight hundred and thirty six, entitled "an act in relation to incorporated religious societies," and shall hold their first meeting, for the election of their officers by the persons named in this act giving ten days notice, in writing, posted up in three public places, of the time and place of holding the same.

SEC. 2. That the private and individual property of the corporators shall be held responsible for the payment of the debts of the said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 6, 1843.

AN ACT

For the relief of Henry C. Rogers.

Whereas, it appears that Eleanor Chapman, deceased, did in, and by, her last will, request and provide, that the descendants of her daughter, Susannah Clarke, should have, and bear her name. And Isaac Rogers, also deceased, did in like manner provide, and desire, that the descendants of John Clarke, deceased, shall, and may take upon them, and use the name of Rogers, in addition to that of Clarke, and, further, did will and devise, unto Henry C. Rogers, a citizen of this state, one of such descendants, all and singular his estate and effects, real and personal, rights and properties, in the United States of America, and elsewhere, whatsoever and wheresoever; and Francis Comte de Haverskerke, &c., did grant and cede, unto the said Henry C. Rogers, all and singular his estate and effects, real and personal, rights, titles and interests, whatsoever and wheresover, to have and to hold, to him, the said Henry C. Rogers, and his heirs, forever, upon condition that he and they shall have and take upon them and use the name of Chapman de Haverskerke; and it is desirable to the said Henry C. Rogers, and the said descendants, that he and they may be enabled to accept, receive, take and carry into effect, the same devices and grants:

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passing of this act it shall and may be lawful to and for

the said Henry C. Rogers, and the several descendants, as aforesaid, to take, have, and use the name and names of Chapman de Haverskerke Clarke Rogers, as, and for, a family name, and by the same, to accept, receive, and take the said grants and bequests, and to have, hold, use, occupy and enjoy all and singular estates, real and personal, rights, titles and interests, and to sue and be sued, plead and be impleaded, answer and be answered unto, act and transact, do and perform all and singular acts, deeds, matters and things that can or may be done, by any other citizen of this state and the United States of America, whatsoever and wheresoever; provided, always, that any such change of names under the provisions of this act, shall not in any manner affect or alter any right of action, legal process or property of any other person.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 6, 1843.

AN ACT

To amend the act providing for the sale of school section sixteen, in Tymochtee township, Crawford county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fourth section of the act, passed March third, one thousand eight hundred and forty two, providing for the sale of school section sixteen, in the township of Tymochtee, in the county of Crawford, be and the same is hereby so amended as to require the purchaser or purchasers to pay, at the time of purchase, the interest and ten per cent., annually, in advance.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 10, 1843.

AN ACT

To incorporate the Berlin Union Society, in the county of Holmes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That William Lewis, George W. Chapman, Abner Maxwell, S. M. Porter, Samuel Saddorus, C. S. Hough, Albert M. N. Fisher, J. A. Criss, J. Rudy, Joel Hall, and J. M. Cook, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Berlin Union Society; and shall have all the rights, privileges and powers, and be

subject to all the restrictions, defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 2. The above incorporators, or a majority of them, shall give ten days notice, by posting up written or printed advertisements, in three of the most public places within the limits of said society, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 10, 1843.

AN ACT

To authorize the county commissioners of Hamilton county to purchase two miles of the Cincinnati and Harrison Turnpike Road, in said county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the county of Hamilton be and they are hereby authorized to buy in, or purchase of the president, directors, and company of the Cincinnati and Harrison turnpike company, two miles of the road, belonging to said company, leading from the city of Cincinnati to the town of Harrison, next and adjacent to the said city of Cincinnati; and in payment for said two miles of road, the county commissioners, as aforesaid, are hereby authorized to transfer to said Cincinnati and Harrison Turnpike Company stock to the amount of six thousand dollars now held by said county commissioners, in said road, and to pay to the said company out of the bridge fund of said county any sum of money not exceeding two thousand dollars in money, in full payment for said road.

SEC. 2. That the president, directors, and company, as aforesaid, are hereby authorized to sell and convey to the said county commissioners, and their successors in office, for the use of the county of Hamilton, the aforesaid road.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 10, 1843.

AN ACT

To incorporate the town of Franklin Square, in the county of Columbiana.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the township of Salem, in the county of Columbiana, as is comprised and included within the limits of the original plat of the town of

Franklin Square, as recorded in the office of the recorder of said county, together with all the additions that have been, or may hereafter be, laid out and recorded as such, be and the same is hereby created a town corporate, to be known and designated by the name of Franklin Square; and shall, in all respects, be governed by the provisions of an act entitled, "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 10, 1843.

AN ACT

To incorporate the Rector, Wardens, and Vestry of St. Paul's Church, in the city of Columbus.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Henry L. Richards, Arory Buttles, Isaac N. Whiting, Harvey Matthews, Moses Altman, John Burr, and Herman M. Hubbard, and their associates and successors, be and they are hereby created and incorporated a body politic and corporate, under the name, style, and title, of the Rector, Wardens, and Vestry of St. Paul's Church, in the city of Columbus, in Franklin county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and subject to the restrictions of an act, entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 10, 1843.

AN ACT

To incorporate the Presbyterian Church of St. Marys.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Joseph Parks, Amos R. Starns, Thomas McKee, Samuel Daugherty, F. M. Thompson, J. M. Parks, and their associates, together with such other persons as may hereafter be associated with them, be and they are hereby declared a body politic and corporate, by and with the name and title of the Presbyterian Church of St. Marys, agreeable to an act passed March fifth, one thousand eight hundred and thirty six, entitled "an act in relation to incorporated religious societies," and shall hold their first meeting for the election of officers by the persons named in this act, or by a majority of

them, giving at least five days notice, in writing, posted on one of the doors of the church, stating the time and place of holding said meeting.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN.
Speaker of the Senate.

January 10, 1843.

AN ACT

To amend the charter of the Ohio Wesleyan University.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to incorporate the trustees of the Ohio Wesleyan University," passed March seventh, one thousand eight hundred and forty two, be so amended in the third section, as to read: that the Ohio, and North Ohio Conferences of the Methodist Episcopal Church, or such other conferences as may be formed out of these conferences, shall fill, alternately, all vacancies occurring in the board of trustees, beginning with the Ohio Conference; and the said conferences shall, annually, appoint any number of visitors from their own body, not exceeding three, for each conference, who shall attend the meetings of the board of trustees, and shall constitute a joint board in the appointments and removals of all officers of the said University.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To incorporate the Trustees of the Germania College.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob Leist, J. Wagenhals, C. Speilman, E. Greenwold, John Leist, M. Nigh, G. W. Boerstler, L. Heyl, J. Winkler, and C. F. Schaeffer, citizens of Ohio, together with such other persons as may hereafter be associated with them, for the purpose of establishing a college at or near the city of Columbus, in the county of Franklin, be and they are hereby created a body politic and corporate, with succession for thirty years, with full power to sue and be sued, to plead and be impleaded, to acquire, hold, and convey property, both real and personal, to have and to use a common seal, to alter and renew the same at pleasure, to confer on those whom they may deem worthy, all such honors and degrees as are usually conferred by colleges; to form a constitution, and to make and alter, from time to time, all

such bylaws as shall be necessary for the government of said institution, provided such bylaws are not inconsistent with the constitution of the United States, or of this state, and provided that no banking operations be undertaken by said corporation.

SEC. 2. The said corporation shall be known and designated by the name and style of Trustees of Germania College, and the college shall be styled Germania College, and shall be located at or near the city of Columbus.

SEC. 3. The officers of this corporation shall be a president, vice president, treasurer, and secretary, to perform the duties usually performed by such officers. The number of trustees shall not be less than eleven nor greater than twenty one, exclusive of the president of the college, who shall be, ex-officio, a member of the board of trustees. Five trustees shall constitute a quorum for the transaction of business.

SEC. 4. The treasurer shall be styled treasurer of Germania College, and, before entering on the duties of his office, shall give bonds for the security of the corporation, and of the public, in such penal sum, and with such sureties, as shall be approved by the trustees.

SEC. 5. The said college shall afford instruction in the liberal arts and sciences, usually taught in colleges, and shall be allowed to have an academical department for the instruction of students in the various branches of academical education and general knowledge, not included in the usual collegiate course, and for the instruction of those who design to be teachers of schools.

SEC. 6. The trustees shall appoint a president, professors, and tutors, to constitute the faculty of the college, and to be charged with its government and instruction. They shall also appoint other officers, instructors and agents, as they may be needed, and make provision for their support; they shall have power to remove either of the faculty or other officers, instructors and agents, for good and sufficient reasons, and to fill all vacancies that may occur in said board of trustees, in said faculty, or among said officers, instructors and agents. The trustees shall also prescribe the course of studies and instruction to be pursued in the college, and in the academical department which may be connected therewith; procure funds for the endowment of professorships, the erection of buildings, to be used as college edifices, the purchase of books, charts, chemical, philosophical and astronomical apparatus, and for whatever may be necessary for the prosperity and usefulness of the college, and shall faithfully apply what they receive, to that purpose; provided, nevertheless, that if any donation or bequest shall be made to the college for purposes connected with its design, and the trustees shall accept the same, every such donation or bequest shall be applied, in conformity with the design and on the conditions expressed by the donor, as far as practicable, and not inconsistent with this act.

SEC. 7. The trustees shall meet annually, and oftener if necessary.—They shall also hold special meetings, at the request of any three members of the board; and in case of special meetings, notice shall be given to each member of the board at least ten days before the time of said meeting.

SEC. 8. No property belonging to said college shall ever be appropriated to any other object than those herein specified.

SEC. 9. The trustees shall have power to elect honorary members, who shall have seats in the board of trustees, and be admitted to take part in their deliberations and discussions, but shall have no vote.

SEC. 10. The stockholders in this corporation shall be liable, in their individual capacity, for all the debts of the corporation.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To incorporate the Young Men's Literary Association of Springfield.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That E. P. Raffensperger, W. M. Smallwood, Richard Harrison, Isaac M. Spinning, and Wm. M. McClure, and their associates and successors, and those who may hereafter be associated with them, are hereby made and constituted a body politic and corporate by the name and style of the Young Men's Literary Association of Springfield; and, as such shall have all the rights, privileges, and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March 7, 1839.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To incorporate the New Lisbon Academy, in the county of Columbiana.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Fisher A. Blocksom, Benjamin Pritchard, Jacob G. Williard, James L. Vallandigham, A. O. Pattieson, William Helman, William D. Ewing, George Endley, Robert Rankin, Leonard Hanna, John Armstrong, George M'Cook, David Beggs, William D. Lepper, and Henry Springer, and their associates and successors, be and they are hereby created and declared a body corporate and politic, by the name of the New Lisbon Academy, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, an act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 2. That the incorporators, or a majority of them, shall give ten days notice, by advertisement, in one or more of the newspapers in said town, of the time and place of holding the election of officers of said corporation.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To authorize the Commissioners of Ashtabula county to borrow money.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the county of Ashtabula be and they are hereby authorized and empowered, for the purpose of paying and discharging the existing debts and liabilities of said county, to borrow, in behalf of said county, a sum or sums of money, in all not to exceed the sum of five thousand dollars, at a rate of interest not to exceed seven per cent. per annum.

SEC. 2. That said commissioners, for the purpose of repaying and discharging the amount, so to be borrowed by them under the first section of this act, and the interest thereon, be and they are hereby authorized and empowered to levy a tax, annually, on the taxable property of said county, to such an amount as they may deem necessary for that purpose, until the amount of said loan, with the interest thereon, shall be fully paid and discharged; which said tax shall be levied and collected in the same manner as other county taxes are levied and collected.

SEC. 3. That the money loaned under the provisions of this act shall be exempt from taxation, for county purposes.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To incorporate the Defiance Literary Lyceum, in the county of Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Edwin Phelps, William A. Brown, Jonas Colby, William C. Holgate, Orlando Evans, Horace Sessions, and Livy Colby, and their associates, together with such others as may hereafter be associated with them, be and they are hereby created and declared a body corporate and politic by the name of the Defiance Literary Lyceum, and shall have all the rights and

privileges granted, and be subject to all the restrictions defined, in the act to regulate incorporated literary societies, passed Mareh seventh, one thousand eight hundred and thirty nine.

SEC. 2. That the above incorporators, or a majority of them, shall give ten days previous notice, by posting up written or printed advertisements in three of the most public places in said town, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To authorize the Fund Commissioners of Licking county to loan to the County Commissioners of said county, a sum of money for the redemption of outstanding county orders.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fund commissioners of Licking county be and they are hereby authorized to loan to the county commissioners of Licking county, out of the said Licking county's portion of the surplus revenue, such amount of money as will be sufficient to redeem the outstanding orders of said county, not exceeding fifteen thousand dollars.

SEC. 2. That in making said loan the said fund commissioners shall be governed, in all respects, by the provisions of the act entitled, "an act providing for the distribution and investment of this State's proportion of the surplus revenue," passed March twenty eighth, one thousand eight hundred and thirty seven, and the several acts amendatory thereto.

SEC. 3. That the county commissioners of said county are hereby authorized to levy such annual tax as may be necessary to meet any payment of principal or interest as the same shall become due, which tax shall be levied and collected in the same manner as other county taxes.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To authorize the Fund Commissioners of Hamilton county to purchase certain real estate.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fund commissioners of Hamilton county shall be, and they are hereby authorized and empowered to purchase, have, hold, manage, and control,

and the same to sell, alienate and dispose of for the use and benefit of the fund, under the control of said commissioners, that certain lot of ground in the city of Cincinnati, commencing at the northwest corner of S. Easton's lot, on the east side of Main street, in said city; thence running eastwardly ninety feet to an alley, eleven feet and eight inches wide; thence northwardly along said alley, twenty feet; thence westwardly ninety feet, to Main street, and thence southwardly along the east line of Main street, twenty feet to the place of beginning.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To authorize the Commissioners of Erie county, to levy a tax on the taxable property in said county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Erie county be and they are hereby authorized to levy a tax on the taxable property of said Erie county, which will be sufficient to defray the expenses of procuring a transcript of the records of Huron county, of all the lands that now lie within the said county of Erie, agreeably to an act authorizing county recorders to transcribe records in certain cases, passed January thirty, one thousand eight hundred and thirty five; and the tax so levied shall be, by the county treasurer, collected and paid over into the county treasury, in the same manner that other county taxes are collected and paid over, and he shall receive the same per centum therefor.

SEC. 2. This act to take effect and be in force from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To lay out and establish a State Road, in the counties of Champaign, Miami and Montgomery.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Samuel Wilson, of Champaign county, Aaron Hait, of Miami county, and Henry Pratzman, of Montgomery county, be and they are hereby appointed commissioners, and William G. George, of the county of Montgomery,

surveyor, to lay out and establish a state road, beginning at the town of Christianburg, in Champaign county, and run thence upon the most direct and suitable route, to the town of Brant, in Miami county; thence, upon or near Honey Creek road, as originally located, and upon the most suitable ground, to the town of Dayton, in Montgomery county.

SEC. 2. The commissioners and surveyor, named in this act, shall be governed in all respects by the law now in force, defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. Should either of the commissioners or surveyor, named in this act, die or refuse to serve, or remove from the county, the commissioners of the county, in which such vacancy shall happen, shall fill the same as often as the same may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To extend to the purchasers of the Salt Reserve Lands, in Jackson county, further time to make payment for the same.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time for making payment by the purchasers, their assignees or legal representatives, of the lands commonly called the lands of the Salt Reservation, in the county of Jackson, which have been sold in conformity to the provisions of an act to provide for the sale of the Salt Reservation, belonging to the state of Ohio, passed February seventh, one thousand eight hundred and twenty six, be and the same is hereby extended to all persons who purchased under and by virtue of said act, whose time of payment has not expired, and also to all purchasers whose time of payment has expired, and the lands not yet resold, for the term of two years from the fourth day of July next; provided that the purchasers, their assignees or legal representatives, shall pay to the agent of the state, on or before the fourth day of July next, the full amount of interest which may then be due on any deferred payment or payments, and shall also, annually thereafter, pay the interest that may accrue on all payments which have, or may become due.

SEC. 2 That if any of said purchasers, their assignees or legal representatives, shall fail to pay the interest, as required by the first section of this act, all the benefits and privileges intended by this act to the said purchasers, their assignees or legal representatives, shall cease and determine.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To reattach certain lands in the township of Russell, Geauga county, to the township of Orange, in the county of Cuyahoga.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the original township of Orange, in the county of Cuyahoga, as was, by the act entitled an "act to attach certain lands in the township of Orange, in the county of Cuyahoga, to the township of Russell, in the county of Geauga, and certain lands in the said township of Russell to said township of Orange," passed January twenty nine, one thousand eight hundred and forty one, attached to the said township of Russell, be and the same is hereby reattached to the said township of Orange, and so much of the aforesaid act as conflicts herewith, is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To amend the act entitled "An act to incorporate the town of Elyria, in the county of Lorain," passed February 23, 1833.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter it shall be lawful for the white male inhabitants, resident within the corporate limits of the town of Elyria, in the county of Lorain, who have the qualifications of electors for Governor of Ohio, to meet at the court house, or such other convenient public place in said town as the town council shall designate, on the first Wednesday in April, annually, and then and there proceed, by a plurality of votes, to elect, by ballot, one mayor, one recorder, five trustees, one town treasurer, and one marshal, for said town, who shall have the qualifications of electors of Governor as aforesaid, and the persons so elected shall hold their respective offices for one year only; and the mayor, recorder, and trustees shall constitute the town council, all of whom shall be necessary for the transaction of business, but a less number may adjourn from time to time.

SEC. 2. That for the purpose of enabling the said town council to carry into effect the provisions of this act, and the act to which this is an amendment, they are hereby authorized and empowered to levy a tax upon all the real and personal property within the limits, including inlots and outlots, of said town of Elyria, as the same is or may be laid out and recorded in the office of the recorder of Lorain county, as the said property has been or shall be appraised on the grand levy of the state; and the books of the auditor of Lorain county shall, at all reasonable office hours, be open to the inspection of the recorder of said town, and he shall be allowed to take transcripts therefrom, for the purpose of ascertaining the amount and valuation of such property without payment of fees therefor; and the said town council shall, on the first Wednesday of May, in each year, call a public

meeting of such electors, at which the mayor, if present, shall preside, to be holden at the court house in said town of Elyria, a notice of which shall be published in the papers printed in said town at least ten days before said meeting, which electors, when so assembled, shall determine, viva voce, the amount of tax, if any, to be levied by said corporation for the current year, which shall not exceed, in any one year, two mills on the dollar, on the aggregate amount of such taxable property within the limits of said town.

SEC. 3. That the second, eleventh, twelfth, seventeenth, and eighteenth sections of the act entitled "an act to incorporate the town of Elyria, in the county of Lorain," passed February twenty third, one thousand eight hundred and thirty three, and all such parts of said act as are inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 4. That if the inhabitants of said town of Elyria shall hereafter neglect or refuse, for the term of two consecutive years, to hold the elections provided for by this act, and the act to which this is an amendment, all the rights and privileges granted by said acts shall, from thence, be deemed and held, without the intervention of judicial proceedings, to have been abandoned.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To extend the corporate limits of the town of Newark, in the county of Licking.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the town of Newark, in the county of Licking, be and they are hereby extended so as to embrace the following described territory, to wit: commencing at the southwest corner of Zechariah Davis' slaughter house lot; thence north along the east line of Benjamin Stickley's farm to the south line of the lots laid out by said Stickley, on and near the Granville road; thence west, along the south line of said lots, to the east line of Bradley Buckingham's land; thence north, along said line to David Moore's land; thence east, down the alley immediately north of Charles Sawyer's, and along the south line of Dille & Smith's farm to Israel Dille's out lot H.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To lay out and establish a State Road in the counties of Lake and Cuyahoga.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Paul P. Condit, of the county of Cuyahoga, and Moses S. Harvey and Charles Grover, of the county of Lake, be and they are hereby appointed commissioners, and Wakeman Penfield, of the county of Lake, surveyor, to lay out and establish a state road beginning in the township of Euclid, in the county of Cuyahoga, on the west margin of Euclid creek, at the point where the St. Clair road from Cleveland to Willoughby crosses the same; thence on the most direct route and on the most suitable ground that can be obtained for a road, to the west margin of Grand river, at some suitable point in the village of Richmond, in the county of Lake.

SEC. 2. That said commissioners shall have power to receive subscriptions and donations for the construction of said road.

SEC. 3. That the commissioners and surveyor, named in this act, shall be governed in all respects by the law now in force defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 4. Should either of the commissioners or the surveyor, named in this act, die or refuse to serve, or remove from the county, the commissioners of the county, in which such vacancy shall happen, shall fill the same as often as the same may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To establish a Free Turnpike from Bellefontaine, in Logan county, to Port Jefferson, in Shelby county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Isaac S. Gardner and John Dickson, of Logan county, and Lewis Taylor, of Shelby county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road from the town of Bellefontaine, in Logan county, through the town of Logansville, in Logan county, to the town of Port Jefferson, in Shelby county, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint a superintendent, or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; they shall keep a record of their proceedings, and a majority shall be a quorum, and shall be competent to exercise any of the powers herein granted.

SEC. 3. The commissioners shall meet in the town of Bellefontaine, in Logan county, on the first Monday in April, one thousand eight hundred

and forty three, or at any time within one month thereafter, and organize by choosing one of their number president of said board; and they shall then take measures to view, locate and establish said road; and of all such locations, they shall cause true copies to be filed in the auditor's office of the proper county.

Sec. 4. The commissioners shall have power to receive subscriptions and donations, in money or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and at such places as will render the road most available for travel and transportation; they shall also have power to purchase and procure all necessary implements and fixtures, to preserve said road in repair.

Sec. 5. The taxes levied for road purposes, on all property within two miles of the road, on each side thereof, shall be applied to the construction and repair of the same; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agent appointed for that purpose.

Sec. 6. So much of the taxes, appropriated by this act, as shall be paid into the county treasury, shall be computed by the county auditor as accurately as may be, and paid over to said commissioners, or their agent; and all taxes, so computed by the county auditor, shall be expended on said road in the county where collected.

Sec. 7. It shall be the duty of the county auditors of the respective counties through which said road shall pass, in computing the portion of road tax that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land, not exceeding one hundred and sixty acres, of which any part shall be within said limits; and for all duties performed by them under this act, they shall be allowed the same fees allowed by law for similar services in other cases.

Sec. 8. The commissioners shall have power to receive donations of land, to aid in the construction of said road, and to convey the same in fee simple; they may take releases of the right of way; and they shall expend the money in their hands, only on such parts of the road, the location or which shall have been permanently established.

Sec. 9. The said commissioners, and their successors, shall be a corporation by the name of the "trustees of the Bellefontaine, Logansville, and Port Jefferson road," for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or to bridges thereon; and the fines and damages collected on such prosecutions shall be for the benefit of said road, and shall be paid to said trustees.

Sec. 10. The said trustees shall, annually, in the month of January, make a full settlement of all their receipts and expenditures under this act, and publish an account thereof in some newspaper on the line of said road, and also deposit a copy thereof in the auditor's office in each county through which the road may pass.

Sec. 11. That nothing in this act shall be so construed as to interfere with any tax upon any property heretofore appropriated to the construction, preservation, or repair of the Champaign and Upper Sandusky turnpike, by an act passed March seventeenth, one thousand eight hundred and thirty eight, or the act amendatory thereto, passed March ninth, one thou

sand eight hundred and thirty nine, or with the tax upon any property heretofore appropriated to the construction of the Bellefontaine, Lima and Vanwert turnpike, passed February twenty six, one thousand eight hundred and forty two.

SEC. 12. The supervisor of any road district, through which any part of said road may pass, shall be and he hereby is authorized to appropriate any portion of the two days' labor within his district, which he may deem expedient, to the construction, preservation, or repair of said road; provided always, that such labor shall be applied under the direction of said trustees or their agent.

SEC. 13. There shall be levied, annually, for road purposes, a tax of two mills upon each dollar of the property entered on the duplicate for taxation in the county of Shelby, and the commissioners of said county may increase the levy to three mills, when, in their opinion, the interest of the county may require it.

SEC. 14. The commissioners of said road shall be allowed their reasonable personal expenses, when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county in which such vacancy may happen, on being notified thereof, shall fill the same as often as it may occur.

SEC. 15. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence, and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation, and repair of the same.

SEC. 16. All claims for damages, arising out of the location of said road, shall be settled in the manner prescribed by the act "for opening and regulating roads and highways;" and all damages, assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will be equal to the amount of damages assessed.

SEC. 17. This act to take effect and be in force from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To incorporate the First Disciples' Church of Christ, of Knox township, in the county of Jefferson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Mathias Householder, Jr., Daniel Arnold, John Palmer, Daniel Householder, Jonathan Householder, Peter Householder, Mathias Swickard and Joseph Marshal, and their associates, be and they are hereby incorporated a body corporate and politic, under the name and style of the First Disciples' Church of Christ, of Knox township, Jefferson county, Ohio, and, as such, shall be entitled to all the rights, privileges, and immunities granted,

and shall be subject to all the restrictions of an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said society shall give ten days notice, by putting up public notices in three of the most public places in the vicinity of said church, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To incorporate the First Presbyterian Church and Society, in the township of Hartford, Trumbull county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Chester Andrews, James Beebe and Gary C. Reed, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the first Presbyterian Church and Society, of the township of Hartford, and county of Trumbull, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and subject to all the restrictions of the act entitled an "act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places within the township aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To incorporate the First Presbyterian Church of the town of Logan, Hocking county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John North, John A. Butin and John Rochester, and those who are, or may be hereafter associated with them, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the First Presbyterian Church of the town of Logan, in Hocking county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions

of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places within the town aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To incorporate the First Universalist Society of Ravenna, Portage County.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Ira Selby, John B. King, James A. Clark, George Messenger and Horace Y. Beebe, and their associates and their successors, be and they are hereby created a body corporate and politic, by the name and style of the First Universalist Society of Ravenna, Portage county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies perpetuity of title to lands and tenements in trust, for meeting houses, burying grounds or residences for preachers," passed January third, anno domini, one thousand eight hundred and twenty five.

SEC. 2. The corporators shall give notice by advertisement in three public places in the aforesaid township, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To incorporate the First Congregational Society of Copley, Summit county

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That S. L. Starr, William J. Chapman and William Haldane, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the First Congregational Society of the township of Copley, and county of Summit, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and subject

to all the restrictions of, the act entitled an "act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act by posting up notices of such meeting in three of the most public places within the township of Copley aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

AN ACT

To amend an act entitled an act to amend "An act entitled 'an act to incorporate the Trustees of the Windham School Fund,' passed February 18, 1830."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the net annual proceeds of the Windham school fund shall be annually distributed by the commissioner of said fund among the several school districts and parts of districts, now or hereafter to be organized in said township, agreeably to the law regulating the general school fund, of the state of Ohio, in force at the time of such distribution.

SEC. 2. That all parts of the act, to which this is an amendment, inconsistent with the provisions of this act, be and the same are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 16, 1843.

AN ACT

To amend an act entitled "An act to incorporate the Fireman's Insurance Company of Cincinnati," passed the 9th day of June, 1832.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the first day of January, one thousand eight hundred and forty three, the body politic and corporate, heretofore known by the name and style of the Fireman's Insurance Company of Cincinnati, shall be known by the name and style of the Fireman's Mutual Insurance Company of Cincinnati.

SEC. 2. That on the first day of January, as aforesaid, or as soon thereafter as may be convenient, the certificates of stock that may then be issued

shall be canceled, and new certificates shall be issued to the stockholders for so much as shall appear to be their value by the books of the company, the holders of which stock shall be entitled to receive interest thereon, at the rate of ten per centum per annum, payable half yearly, on the first days of July and January; and the certificates so issued by the board of directors shall be legal and binding upon all parties concerned; and the stock held as aforesaid shall not be impaired until all the resources of the company shall have been exhausted.

SEC. 3. That the board of directors of said company shall, within one month after the first day of January, one thousand eight hundred and forty four, and within the same period of every year following, cause an estimate to be made, as near as may be, of the profits of said company during the preceding year, in which estimate the losses and expenses of the company for the year, together with the interest on the capital stock, according to the tenor of the second section of this act, shall be deducted from the earnings of said company during the same year, arising as well from premiums as from the income derived from investments, and the balance, if any, shall be deemed the net profits for such preceding year; which estimate shall be binding upon all persons entitled to receive certificates as hereinafter mentioned; and the board of directors shall, thereupon, credit, on the books of said company, each person or firm who shall have paid any premium to said company for insurance for their own account, or account of others, during the preceding year, with such a portion of the said net balance (exclusive of fractional parts of ten dollars, as hereinafter mentioned,) as the amount of premiums paid by such person, or firm, during such year, and not returned, shall be of the whole amount of premiums received by said company during said year, less returned premiums, and shall issue to such person, or firm, a certificate declaring him or them their executors, administrators, or assigns, to be entitled to a portion of the funds of said company equal to the amount so credited to him or them, and also to the receipt of an interest not exceeding six per centum per annum; which certificates shall contain a proviso that the amount named therein is liable for any future loss by said company. No person or firm shall be credited with or receive a certificate for a share of profits less than ten dollars; and if such shall exceed ten dollars, so much shall be deducted therefrom as will make it equal to the largest multiple of ten dollars contained therein; and all shares less than ten dollars, and the excess of other shares over multiples of ten dollars shall be passed to the contingent fund of said company; but no person shall receive a certificate unless he shall have paid his premiums agreeably to the directions of board of directors. Every person or firm holding certificates issued under this act, shall be entitled to one vote for every twenty dollars so held; and the certificates may be assigned and transferred on the books of the company, in person, or by power of attorney only; but no stockholder, indebted to the company, shall be permitted to make a transfer or receive interest until such debt is paid, or secured to the satisfaction of the president and board of directors. In suits at law, or in equity, when the said insurance company is a party, the holders of certificates shall be competent as witnesses.

SEC. 4. That whenever the directors shall issue certificates, under the third section of this act, they shall redeem an amount of the capital stock equal to the amount of certificates so issued, by paying to the holders there-

of their proportionate amount, and by indorsing the same upon such certificate of capital stock, or by issuing new certificates for any balance not redeemed as aforesaid; and whenever the amount of certificates issued as aforesaid, after the redemption of the capital stock as aforesaid shall exceed one hundred and fifty thousand dollars, then the board of directors may, if they deem it expedient, redeem, as aforesaid, an amount of certificates previously issued not exceeding such excess; and when the amount of certificates, issued as aforesaid, shall exceed two hundred and fifty thousand dollars, then the board of directors shall redeem, as aforesaid, an amount of certificates previously issued equal to such excess; provided, that the certificates of a subsequent year shall not be redeemed until all those of preceeding years shall have been paid.

SEC. 5. That the provisions of the eighth section of the act to which this is an amendment, shall aply only to insurance against fire.

SEC. 6. That all parts of the act to which this is an amendment, which are inconsistent with this act, be and the same are hereby repealed; and this act shall take effect and be in force so soon as the holders of a majority of the stock in said company shall, in writing, approve this act, of which the directors shall give public notice.

SEC. 7. Any future legislature may amend, alter, or repeal this act.

SEC. 8. That this corporation shall be subject to all the liabilities, restrictions, and provisions of the act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN.
Speaker of the Senate.

January 16, 1843.

AN ACT

To incorporate the Cincinnati Association of Steamboat Engineers.

SEC. 1. *Be it enacted by the General Assembly of th State of Ohio,* That George Shields, Thomas Halderman, Edward Shields, Patrick Rogers, Luis Warden, Henderson Squires, Theodore R. Scowden, John Carr, Wm. A. Bicknell, and their associates, together with such as may hereafter be associated with them, be and they are hereby created a body corporate and politic, with succession for twenty years, by the name and style of the Cincinnati Association of Steamboat Engineers; and, by that name, may sue and be sued, plead and be impleaded, in all courts of law and equity, and have a common seal, and the same to alter at pleasure; shall be capable of holding real estate, by gift, grant or devise, and may sell, dispose of, and convey the same, provided the value thereof shall not exceed fourteen thousand dollars, and the same shall be devoted particularly to the object of promoting and elevating the science of steam, and its collateral branch-

es; provided that no part of said funds, or the income thereof, shall at any time, directly or indirectly, be employed in banking, nor shall said society issue certificates of deposit, drafts, or any other evidence of indebtedness, calculated or intended to circulate as currency, under the penalty of an absolute forfeiture of this act.

SEC. 2. That they shall have power to form and ratify a constitution, and adopt bylaws for the government of said corporation, the management and regulation of its fiscal concerns, admission of its members, and appointment of its officers, together with such powers as are necessary and proper for the efficient direction and management of its concerns.

SEC. 3. The corporators, and such other persons as may hereafter be associated with them, shall be deemed and held individually liable for all the debts of the association.

SEC. 4. Any future legislature may alter, amend, or repeal this act, provided such alterations, amendments or repeal, shall in no case affect the title to any property, conveyed or acquired, under this act.

SEC. 5. The members of this associaiion shall not be permitted to regulate the salaries or wages of engineers, at any of their meetings for such purpose.

SEC. 6. That, at any time after the passage of this act, if a sufficient number have associated themselves together under this provision, after having given ten days notice of the time of holding the first meeting, they may proceed to organize, to elect such number of directors, and other officers, as may be deemed necessary for the management of said association; and such officers, when so chosen, shall hold their respective offices for one year, and until their successors are elected and qualified.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 16, 1843.

AN ACT

For the relief of the sureties of Lewis P. Buckley.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Auditor of State be and he is hereby required, except as hereinafter provided, to cause execution to be stayed on the judgment recovered by the state of Ohio, against Lewis P. Buckley, as principal, and Charles Sumner, Charles W. Brown and Lucius V. Bierce, as his sureties, in the court of Common Pleas, of Summit county, at their May term, one thousand eight hundred and forty two; provided, the said sureties shall forthwith pay all costs of suit, and shall punctually pay the amount of said judgment and interest, in four equal annual instalments, commencing on the first day of May, one thousand eight hundred and forty three, but not otherwise.

SEC. 2. That said judgment shall constitute a lien at law upon all the lands of which the said Charles Sumner, Charles W. Brown and Lucius

V. Bierce, or either of them, were seized at the time of the rendition thereof, until the said judgment, interest and cost shall be fully satisfied and paid.

SEC. 3. That said sureties, or either of them may, at any time, have the privilege of proceeding against the lands and tenements, goods and chattels, rights and credits of the said Lewis P. Buckley, either by an execution at law, upon said judgment, or by bill in chancery, so far as the same may be necessary to enforce the payment of the said judgment, interest, and cost, by the said Lewis P. Buckley.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

AN ACT

To incorporate the Young Men's Franklin Society of Granville College, in Licking county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That William J. Kerr, William S. Wheaton, E. H. Ferris, F. L. Parker, W. Atkinson, and their associates and successors, are hereby made and constituted a body politic and corporate by the name and style of the Young Men's Franklin Society of Granville College, in Licking county, and, as such, shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine; provided that nothing in this act shall be construed to confer banking powers on said corporation.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

AN ACT

To lay out and establish a State Road in the counties of Hardin, Allen and Mercer.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Stevenson, of Allen county, Robert Elliot, of Mercer county, and William McGaven, of Hardin county, be and they hereby are appointed commissioners to lay out and establish a state road, commencing at the town of Kenton, in the county of Hardin; thence, in the most direct route, to William Donnel's, in Allen county, on the state road leading from Bellefontaine to Lima; thence to Joseph Lepley's, in township four, south, of

range seven, east; thence west, to intersect the north boundary line of the Wapaukonnetta reservation; thence to Pratt's saw mill, on the Auglaize river; thence to the crossing of the Miami Extension canal, at a bridge near Brownell's, in the county of Mercer.

SEC. 2. That the commissioners, aforesaid, shall be governed, in all respects, by the law now in force establishing state roads, passed March fourteen, one thousand eight hundred and thirty one.

SEC. 3. Should a vacancy happen in any of the foregoing appointments, by death or otherwise, that the county commissioners of the county in which such vacancy may happen, shall fill such vacancy as often as the same may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN.
Speaker of the Senate.

January 19, 1843.

AN ACT

To repeal the eleventh section of an act to incorporate the town of Alexandria, in the county of Licking.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the eleventh section of an act to incorporate the town of Alexandria, in the county of Licking, passed March sixteenth, one thousand eight hundred and thirty nine, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

AN ACT

To incorporate the Methodist Protestant Church of Tiffin, in the county of Seneca.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Souder, Joseph Walker, William Campbell, and William Patterson, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Methodist Protestant Church, of Tiffin, in the county of Seneca; and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places in said town.

SEC. 3. The private and individual property of the corporators shall be held responsible for the payment of the debts of said church, after the corporate property shall have been exhausted.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

AN ACT

To incorporate the Regular Baptist Harmony Church, at Beallsville, Monroe county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Daniel Berry, Robert Marshall, and Philip Skinner, be and they are hereby created a body politic and corporate, by the name and style of the Regular Baptist Harmony Church, at Beallsville, Monroe county, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of the first meeting under this act, by posting up advertisements in three of the most public places within the town aforesaid.

SEC. 3. The private and individual property of the corporators shall be held responsible for the payment of the debts of the said church, after the corporate property shall have been exhausted.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

AN ACT

To incorporate the First Presbyterian Church of the town of Baltimore, in Fairfield county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That R. D. Sutphen, H. W. Beebee, John F. Outcalt, John Pittford, and John Hunter, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the First Presbyterian Church of the town of Baltimore, in Fairfield county, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be sub-

ject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places within the town aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

AN ACT

To incorporate the First Methodist Protestant Church, of Cardington, Marion county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Abraham K. Earl, Leumas Cook, Jacob Bovey, Sylvester Grennell, John Shunk, Daniel G. Poole, Jonah Martin, Philip Stout, Jr., Charles E. Smithe, John D. Glisan, Thomas C. Thomson, George P. Nicols, Thadeus A. Clemens, and their associates and successors, be and they hereby are created a body politic and corporate, by the name and style of the First Methodist Protestant Church, of Cardington, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places within said town of Cardington.

SEC. 3. That the private and individual property of the corporators shall be held responsible for the payment of the debts of the said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

AN ACT

To incorporate the Greene county Mutual Fire Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Samuel Puterbaugh, James Galloway, Abram Hevling, E. F. Drake, James C. McMillan, John B. Allen, John Moore, and all other persons who may hereafter become members of said company in the manner herein prescribed, be and they are hereby incorporated and made a body politic by the

name of the Greene County Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, and merchandize, against loss or damage by fire, whether the same shall happen by accident, lightning, or any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this or any of the United States; and, by that name, may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court of record or other place whatever, may have and use a common seal, may purchase and hold real and personal estate as may be necessary to effect the object of their association, and the same may sell and convey at pleasure, may make, establish, and put into execution such bylaws, ordinances, and resolutions, not being contrary to the laws of this state or of the United States, as may seem necessary or convenient for their regulation and government, and for the management of their affairs, and to do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this charter.

Sec. 2. That all and every person and persons, who shall at any time become interested in said company by insuring therein, and also their respective heirs, executors, administrators, and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof for and during the term specified in their respective policies, and no longer, and shall, at all times, be concluded and bound by the provisions of this act.

Sec. 3. There shall be a meeting of said company at Xenia, in the county of Greene, on the first Wednesday of December, annually, or on such other day as the said company may hereafter determine, at which first annual meeting shall be chosen, by a major vote of the members present and by proxy, a board of directors consisting of nine members, who shall continue in office until others have been chosen and accepted the trust in their stead. In all vacancies happening in said board, whether by removing from the state, dying, or refusing or neglecting to act for and during the space of three months successively, then, and in every such case, another director shall be chosen in the place of each director so removing, dying, refusing or neglecting to act as aforesaid, by a majority of the directors present at any monthly meeting; which director, so chosen, shall remain in office until the next general election of directors, and a majority of the whole board shall constitute a quorum for the transaction of business. At their first regular meeting the board of directors shall class themselves, by lot, into three classes of an equal number each, the terms of whose service shall respectively expire as follows: the first class in one year, the second class in two years, and the third class in three years. Special meetings of the company may be called by order of the directors, or whenever the owners of one tenth part of the property insured in said company shall apply to the directors, setting forth, in writing, the purposes for which a meeting is desired.

Sec. 4. The board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereto relating, not otherwise provided for by said company. They shall have power from time to time to appoint a secretary, treasurer, and such other officers, agents, and assistants as to them may seem necessary, and prescribe their duties, fix their compensa-

tion, and take such security from them as they may deem necessary for the faithful performance of their respective duties. They shall determine the rates of insurance, the sum to be insured on any building, not exceeding two thirds of its value, nor one half the value of personal property, and the sum to be deposited for the insurance thereof. They shall order and direct the making and using all policies of insurance, the providing of books, stationery, and other things needful for the office of said company, and for carrying on the affairs thereof, and may draw upon the treasurer for the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of said company. They shall elect one of their own number to act as president, and may hold their meetings monthly, and oftener, if necessary, for transacting the business of the company, and shall keep a record of their proceedings; and any director disagreeing with a majority of the board at any meeting, may enter his dissent with his reasons therefor on record.

Sec. 5. It shall be the duty of the directors of said company, whenever the premium notes thereof shall amount to the sum of one hundred thousand dollars, to build, or cause to be built, or procure for the use of said company, a fire proof building suitable for the transaction of business and for the preservation of the funds, and other property belonging to said company, from destruction, by reason or means of fire; and, for the purpose of providing said building, the directors may assess any sum not exceeding five per cent. of the amount of premium notes aforesaid in any one year; and it shall be the duty of the directors to keep said building in proper repair, and to renew the same in whole or in part as they may think necessary and expedient.

Sec. 6. The directors shall extend the insurance of said company to every part of this state, on all the real and personal property within the same, with the exceptions and provisions hereinafter enacted, not exceeding the sum of five thousand dollars in any one risk, at such rate or rates as said directors may, in view of the equity of the case and the interest of the company, determine. Insurance shall be made, in all cases, upon the representation of the assured, contained in his application therefor, and signed by him or his attorney, which representation shall, in fairness and good faith, state all the material circumstances within his knowledge which may affect the risk; provided, that in case of any loss or damage by fire, the valuation of the property, at the time of such loss or damage, shall be determined by the award of impartial men as hereinafter provided.

Sec. 7. Books of accounts, written securities, or evidence of debt, title, deeds, manuscripts, or writings of any description, money or bullion, shall not be deemed or taken to be objects of insurance in said company; curiosities, jewels, medals, musical instruments, plate, plateings, sculptures, statuary, watches, gold or silver ware of any kind, shall not be deemed to be included in any policy of insurance, unless those articles, or any of them, form parts of the usual and regular stock in trade of the assured, or are particularly specified in the policy; breweries, distilleries, chemical establishments, bleaching houses, oil mills, or the contents of either of them; alcohol, aquafortis, gun powder, spirituous liquors, tar, turpentine, varnish, or any other trades, wares, or merchandize, which may hereafter be excluded by said company, at any annual meeting, shall never be deemed insurable by directors of said company, nor any policy issued thereon.

Sec. 8. Every person who shall become a member of said company by effecting assurance therein, shall, before he receives his policy, deposit his promissory note for such sum or sums of money, as shall be determined by the said directors, a part, not exceeding ten per cent. of which note, shall be immediately paid for the purpose of discharging the incidental expenses of the institution, and the remainder of said deposit note shall be payable in part or whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses; and, at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the signer thereof, or to his or her legal representatives.

Sec. 9. Every member of said company shall be, and thereby is, bound to pay his proportion of all losses and expenses happening or accruing in and to said company, and all buildings insured by and with said company, together with the right, title, and interest of the assured, to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the assured, during the continuance of his, her, or their policies.

Sec. 10. In cases of any loss or damage by fire, happening to any member, upon property insured in and with said company, the said member shall give notice thereof, in writing, to the directors or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened, and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage, and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company, for loss or damage, at the next court to be holden in and for the county of Greene, and not afterwards, unless said court shall be holden within sixty days after said determination, but if holden within that time, then at the next court holden in said county thereafter; and if, upon trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit, but if no more shall be recovered than the amount aforesaid, the said party shall become nonsuit, and the said company shall recover their costs; provided, however, that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage as determined by the directors aforesaid, and provided also, that execution shall not issue upon any judgment against said company until after the expiration of three months from the rendition thereof.

Sec. 11. The directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company, for such loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or, as the bylaws may have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his premium note or notes, and shall be paid to the treasurer within thirty days next after the publication

of said notice; and if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon him, her or them, as his, her, or their proportions of any loss, as aforesaid, in such case the directors may sue for and recover the whole amount of his, her, or their deposit note or notes, with costs of suit, and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have, or may, thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the term for which insurance was made.

Sec. 12. If it shall ever so happen that the whole amount of deposit notes should be insufficient to pay the loss occasioned by any one fire, in such case, the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes according to the sums by them respectively insured, and, in addition thereto, a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars by them respectively insured; and the said member shall never be required to pay for any loss occasioned by fire, at any one time, more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member, upon payment of the whole of his deposit note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Sec. 13. Said company may make insurance for any term not exceeding six years; and any policy of insurance issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company in all cases where the assured has a title in fee simple, unincumbered, to the building or buildings insured, and to the land covered by the same, but if the assured have a less estate therein, or if the premises be incumbered the policy shall be void, unless the true title of the assured, and the incumbrances on the premises be expressed therein.

Sec. 14. The directors shall settle and pay all losses within three months after they shall have been notified as aforesaid, unless they shall judge it proper, within that time, to rebuild the house or houses destroyed, or repair the damages sustained, which they are empowered to do in convenient time, provided they do not lay out and expend in such building or repairs more than the sum insured on the premises; but no allowance is to be made in estimating damages in any case for gilding, historical or landscape painting, stucco or carved work, nor are the same to be replaced if destroyed by fire.

Sec. 15. When any house or other building shall be alienated by sale or otherwise, the policy thereupon shall be void, and be surrendered to the directors of said company, to be canceled; and, upon such surrender, the assured shall be entitled to receive his, her or their deposit note, upon the payment of his, her or their proportion of losses and expenses that shall have accrued prior to such surrender; provided, however, that the grantee or alienee, having the policy assigned to him, may have the same ratified and confirmed to him, her or them, for his, her or their own proper use and benefit, upon application to the directors, and with their consent, within

thirty days next after such alienation, on giving proper security, to the satisfaction of the said directors, for such portion of the deposit, or premium note, as shall remain unpaid; and, by such ratification and confirmation, the party causing the same shall be entitled to all the rights and privileges, and subject to all the liabilities, to which the original insured was entitled and subjected under this act.

SEC. 16. If any alteration should be made in any house or building by the proprietor thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire, than it was at the time it was insured, then, and in every such case, the insurance made upon such house or building shall be void, unless an additional premium and deposit, after such alteration, be settled with and paid to the directors; but no alterations or repairs in buildings, not increasing such risk or hazard, shall in any wise affect the insurance previously made thereon.

SEC. 17. In case any building or buildings, situated upon leased lands, and insured by said company, be destroyed by fire, and the owner or owners thereof shall prefer to receive the amount of such loss in money, in such case the directors may retain the amount of the premium note, given for the insurance thereof, until the time, for which insurance was made, shall have expired; and, at the expiration thereof, the insured shall have the right to demand and receive such part of said retained sum or sums, as has not been expended in losses and assessments.

SEC. 18. If insurance on any house or building shall be and subsist in said company, and in any other office or firm, and by any other person or persons, at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist by and with the consent of the directors, signified by indorsement on the policy, signed by the president and secretary.

SEC. 19. The company, hereby created, shall not be concerned in any trade or other business, except the insurance of property against loss or damage by fire; nor shall said company, by any possible construction of the powers granted in this act, exercise any banking privileges whatever; but this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the ends and purposes hereby intended and contemplated.

SEC. 20. The directors of said company may make an assessment, for losses, as often as the same may occur, or less frequent, as they may think proper; and in case of any loss or damage by fire, they are hereby authorized to borrow such sum or sums of money, as may be required to pay such loss or damages; and in making such assessment, they are authorized to collect a sum sufficient to pay all loss or damage accrued, as well as interest on borrowed money, incidental or necessary expenses; also a sum, not exceeding one per centum per annum, on all premium or deposit notes, until a sum of ten thousand dollars shall be accumulated, which sum shall be safely kept or securely deposited, by direction of the directors, for the purposes of meeting losses or damages that may from time to time occur; provided that if said fund, or any part thereof, shall at any time be used for paying such loss or damage, the same shall be provided for, and replaced at the next annual assessment.

SEC. 21. Each and every member of said company shall be entitled to, and allowed, an examination of the books, papers and general transactions of said company, upon application therefor to the secretary.

SEC. 22. The individuals named in the first section of this act shall be, and they hereby are, constituted a board of directors for said company, to serve as such until the first annual election of directors therein provided for; and all vacancies which may occur in said board by death, resignation, removal, or refusal to serve, may be filled by the remaining members of said board; and a majority of their number, at any time, shall constitute a quorum for the transaction of business; they may call the first meeting of the members of said company at any suitable time and place in the town of Xenia, aforesaid, by advertisement in a newspaper printed in said town, or in general circulation in Greene county, giving at least ten days notice of the place, time, and design of the meeting; they may make and establish bylaws, for the government of said company, until the first annual meeting thereof, and may transact any business necessary and proper to carry into effect the provisions and intentions of this act; provided, however, that no policy shall be issued by said company until application has been made for insurance in said company on fifty thousand dollars at least, of which notice shall be given by the directors.

SEC. 23. Any future legislature may alter, amend, or repeal this act.

SEC. 24. This act to take effect, and be in force, from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN.
Speaker of the Senate.

January 21, 1843.

AN ACT

To incorporate the town of Cedarville, in the county of Greene.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Xenia, in the county of Greene, as is comprised and included within the limits of the original plat of the town of Cedarville, as is recorded in the office of the recorder of said county, together with all the additions that have been, or may hereafter be, laid out and recorded as such, be and the same is hereby created a town corporate, to be known and designated by the name of Cedarville, and shall, in all respects, be governed by the provisions of an act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 21, 1843.

AN ACT

To incorporate the Feesburg Presbyterian Church, of Feesburg, Brown county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That David Trout, John McMurchy, Daniel Trout, James McKinney, and Samuel McBeth, Trustees of the Feesburg Presbyterian Church, of Feesburg, Brown county, Ohio, and their successors, be and they are created a body corporate and politic, by the name of the Feesburg Presbyterian Church, of Feesburg, Brown county, Ohio, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and shall be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March the fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies perpetuity of title to lands and tenements, in trust for meeting houses, burying grounds, or residences for preachers," passed January the third, one thousand eight hundred and twenty five.

SEC. 2. The corporators shall give ten days notice of their first meeting under this act, by posting up advertisements in three public places within the town aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 21, 1843.

AN ACT

To incorporate the First Baptist Church of Medina Village, Medina county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That D. A. Randall, A. G. Furman, F. M. Fenn and Richard Lewis, be and they are hereby created a body politic and corporate, by the name and style of the First Baptist Church, of Medina village, Medina county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March five, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places within the said Medina village, aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 21, 1843.

AN ACT

To modify the corporate limits of the town of Bainbridge, in the county of Ross.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the town charter of the town of Bainbridge, in the county of Ross, as includes any portion of the farm of Joseph G. White, within the corporate limits of said town, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 21, 1843.

AN ACT

To lay out and establish a State Road in the counties of Allen and Vanwert.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Amos Evans, of Allen county, William R. Ramsey and Michael Anderson, of Vanwert county, be and they hereby are appointed commissioners to lay out and establish a state road, commencing at the northwest corner of section eighteen, township three, south, of range six, east, in Allen county; thence in a northerly direction, on a county road, to a convenient point, near the crossing of the Auglaize river, in section four, in township three, south, of range five, east; thence, in a westerly direction, to intersect a ridge road west of Jenning's creek, in Vanwert county.

SEC. 2. That the commissioners aforesaid shall be governed, in all respects, by the laws now in force defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. That, should a vacancy occur in any of the foregoing appointments, by death, removal, or otherwise, the commissioners of the county in which such vacancy may happen, shall, on being notified thereof, fill the same as often as it may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 24, 1843.

AN ACT

To authorize the lessees on sections number twenty nine, in Sycamore, Symmes and Columbia townships, also the lessees on section number sixteen, Columbia township, Hamilton county, to surrender their leases and take deeds.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the permanent lessees on section number twenty nine, granted for religious purposes, in the townships of Sycamore, Symmes and Columbia, in the county of Hamilton, and the permanent lessees on section number sixteen, in the township of Columbia, as aforesaid, be and they are hereby authorized to surrender their leases and take deeds for the lots or tracts of land now held by them, respectively, at the valuation or last revaluation made and assessed under the provisions of the act entitled "an act to incorporate the original surveyed townships," passed March fourteenth, one thousand eight hundred and thirty one; provided said leaseholders, their assignees or legal representatives, shall pay in sixteen equal instalments, with six per centum interest thereon, commencing on the day of the date of the surrender of such lease or leases, the respective amounts valued and assessed as aforesaid, together with all expenses incident to the execution of deeds under the provisions of this act; provided, also, that such valuation or revaluation, shall have been made subsequent to the first day of January, one thousand eight hundred and thirty five.

SEC. 2. That it shall be lawful for any person or persons, holding land on said sections by lease, or their assignee, assignees, or legal representative or representatives, whether such lease be from the trustees of said section, or from some other person or persons, holding by lease from the trustees, aforesaid, to surrender such lease to the county auditor of the county in which said land is situated; and if said county auditor is satisfied that the person or persons surrendering such lease, is the legal or equitable owner of the lot or tract of land described in said lease, said auditor shall indorse on the back of such lease, that the lessee, or owner or owners thereof, does release to the state of Ohio, in trust, for the use of said township, all the right, title and interest, which was originally granted by such lease, which said indorsement shall be signed by the lessee, or the owner or owners thereof, in the presence of said auditor, whose duty it shall be to enter in a book, provided for that purpose, the date of such lease, the name of the original lessee, the name of the owner or owners, surrendering the same, the range, township and section, the number of acres or quantity, specified in such lease; the rate per acre at which said land was valued at the last valuation or revaluation, prior to the surrender of such lease, and also the date of the surrender of such lease.

SEC. 3. That on the surrender of such lease, as aforesaid, such lessee, or the owner or owners of the land in such lease described, shall be entitled to receive from such county auditor, a certificate of purchase, for the land described in said lease, by paying for said land as herein before specified, together with all rents which may be due on said lease, up to the time of surrendering the same.

SEC. 4. That all payments made for lands sold under the provisions of this act, (or rents previously due thereon,) shall be made to the treasurer of the county in which such land is situated; and for the purpose of enabling the purchasers to make the same, the county auditor shall give the per-

son, whose duty it shall be to make such payment, a certificate, specifying on what account such payment is intended to be made, and the amount thereof, and such person shall make said payment accordingly, and take the treasurer's receipt therefor, which receipt shall be delivered to the county auditor, who shall preserve the same in his office and charge the treasurer therewith, and give such person making such payment, a receipt, specifying on what account or contract such payment was made; and such county auditor shall procure suitable books for the purpose of keeping the accounts of all moneys which may be paid into the county treasury, on account of said lands, and shall enter therein, in a fair and regular manner, all payments made to such treasurer, on account of rents or interest received, or payments made of the purchase money of said lands; and it shall be the duty of said county auditor, quarterly, on the first day of June, September, December and March, after the taking effect of this act, to make out fair and accurate transcripts of the account of sales of lands as aforesaid, and also of all moneys paid into the county treasury, on account of the same, during such quarter; and the transcript so made, the said county auditor shall forthwith forward by mail, to the auditor of state, who shall file the same in his office.

Sec. 5. That the county treasurer, aforesaid, when he shall have received any money under the provisions of this act, shall keep an account thereof in his books, specifying the time when, from whom, and on what account each item was received; and said treasurer shall make accurate transcripts of such accounts, on the first day of June, September, December and March, annually, which said treasurer shall forward, forthwith, by mail, to the auditor of state; and the county treasurer, aforesaid, shall, semi-annually, on or before the first days of July and January, pay over to the state treasurer all moneys which shall come into his hands under the provisions of this act, during the preceding half year; and on all moneys paid into the state treasury under the provisions of this act, interest, at the rate of six per centum per annum, shall be paid by the state treasurer, annually, to the treasurer of the county aforesaid, and by him paid over to the treasurer of said township for distribution, as provided for in the fourth section of the act entitled "an act to incorporate the original surveyed townships," passed March fourteen, one thousand eight hundred and thirty one, and agreeably to the provisions of the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March seventh, one thousand eight hundred and thirty eight, and all amendments thereto subsequently enacted; and it shall be the duty of the county treasurer as aforesaid, to deduct the amount of interest and rent paid to him under the provisions of this act, from the respective annual payments, made to him on account of said lands, paying over to the state treasurer only the principal; and it shall be the duty of said county treasurer to pay over the interest and rents aforesaid, annually, on or before the first day of January, to the treasurer of said townships, who shall distribute the same as provided for in this section.

Sec. 6. That if any purchaser of any lot or parcel of land, as aforesaid, shall fail for one year to make payment of any instalment or interest, which may have become due and payable thereon, the county auditor, as aforesaid, shall proceed to sell such parcel or tract of land, with all improvements thereon, at the court house in the city of Cincinnati, to the

highest bidder, after having given notice of the time and place of such sale, together with a description of the land, the amount due and to become due, in some newspaper of general circulation, printed in said county, which said notice shall be published at least forty days before the day of sale, and said notice shall receive four weekly insertions in said paper, the last of which shall be in the last weekly number of said paper, published before the day of sale; provided that no bid shall be received for a less sum than the amount due to the state, including expenses of sale; and if that amount is not bid, such lot or tract of land, together with the money paid thereon, shall be absolutely forfeited to the state of Ohio, in trust, for said township; but if such parcel or tract of land shall sell for more than the amount due the state of Ohio, including the expenses of sale, the surplus shall belong to the original purchaser, or his or her legal representatives, and shall be paid over accordingly, if the person entitled thereto be present, and willing to receive the same, otherwise it shall be paid to the county treasurer for such person's use, to be paid over upon the order of the county auditor; and the bidder shall forthwith pay the amount due to the state, and the expenses of sale, into the county treasury, and the surplus, if any, as before mentioned; and if such bidder shall fail to make payment as aforesaid, the county auditor shall forthwith proceed to expose said parcel or tract of land to sale, as hereinbefore provided.

Sec. 7. That when the purchaser of any of the aforesaid lots or parcels of land, or the legal representatives, or the assignees of such purchaser, shall have fully paid for any lot or parcel of land, according to the provisions of this act, the county auditor aforesaid shall give the person entitled thereto a final certificate, particularly describing the tract of land so paid for, and the several sums paid thereon; and, upon the presentation of said certificate to the auditor of state, he shall make the draft of a deed to the person or persons entitled thereto, which he shall deliver to the governor, accompanied by such final certificate, which said deed shall be signed by the governor, sealed with the great seal of the State of Ohio, and be countersigned and recorded by the secretary of state, and delivered to the person entitled thereto, on demand.

Sec. 8. That it shall be the duty of the township clerk, in each and every township aforesaid, upon application being made to him by a majority of the lessees on said section, to give public notice to the citizens of said township, by posting up written notices in five of the most public places in said township, at least twenty days next preceding the first Monday in April, after said application is made, that the legal voters of said township are required to vote for or against the sale of said section, and it shall be the duty of the clerk of said township to provide a poll book, in which he shall, at the annual election to be holden in said township on the first Monday of April, next succeeding the application aforesaid, enter the votes of the qualified voters of said township, for or against the surrendering the leases and taking of deeds under the provisions of this act; and if a majority of the electors residing in said township, and voting at said election, shall vote in favor of carrying out the provisions of this act, the said township clerk shall, within ten days after said election, certify the same to the county auditor of said county, who shall thereupon proceed according to, and be governed by, the provisions of this act; provided, however, that the townships of Sycamore and Symmes, in the county of Hamilton, shall be ex-

empted from the provisions contained in this section, (as votes have already been taken in said townships in favor of the sale;) and the county auditor of Hamilton county be and he is hereby required to proceed on all applications for the surrender of leases and taking of deeds in the said townships of Sycamore and Symmes, in the county of Hamilton, according to the provisions of this act, from and after the passage of the same.

SEC. 9. That the county auditor, aforesaid, shall be entitled to receive, for a certificate of sale and final certificate, each, thirty seven cents; for a certificate to pay money to the county treasury, or for a receipt, six cents; for every sale of delinquent land, to be included in the amount paid by the bidder, one dollar and fifty cents, besides the printer's bill for advertising; and for all other services performed by said county auditor, he shall be allowed the same fees as for like services performed for said county, to be settled and paid by the purchaser in all cases; and the county treasurer, aforesaid, shall be allowed one per centum on all moneys received and paid over under the provisions of this act, to be retained out of the rents or interest received by him on account of said sections.

SEC. 10. That all laws and parts of laws heretofore passed, in relation to sections number twenty nine and sixteen, as aforesaid, which conflict with the provisions of this act, be and the same is hereby repealed.

SEC. 11. This act to take effect from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To divorce Salathiel C. Coffinbery from his wife Catharine Coffinbery.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the marriage contract, heretofore existing between Salathiel C. Coffinbery and his wife, Catharine Coffinbery, be and the same is hereby dissolved; provided, that nothing herein contained shall absolve the said Salathiel C. Coffinbery from his existing obligation to provide a comfortable subsistence for the said Catharine Coffinbery.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To incorporate the St. Mary's Female Educational Institute, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Hortense Monseu, Francoise Houba, Charlotte Hamoir, Josephine Vanderskrieck, Julie Walle, and Pauline Henreboudh, their associates and successors, be and they are hereby created a body corporate and politic by the name of the St. Mary's Female Educational Institute, of Cincinnati, and, as such, shall be entitled to all the rights and privileges ganted by, and be subject to all the liabilities and restrictions defined in, the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 2. Notice of the time and place of holding the election of officers of said corporation shall be published in one or more newspapers in the city of Cincinnati, at least one week before the same shall be holden.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To authorize the Recorder of Licking county to make a new index to the records of said county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county recorder of Licking county be and he is hereby authorized and required to cause a new and complete index to be made of all the records of deeds and other writings, on record in the recorder's office of said county, and that he receive such compensation therefor as may be awarded by the court of common pleas of said county, to be paid out of the county treasury, on the order of the county auditor.

SEC. 2. That the recorder, in making such index, in addition to the names of grantor and grantee, shall, in a separate column, index the range, township, and section in which the land is situate, and also the number of acres conveyed in each deed or mortgage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To authorize the county commissioners of Paulding county to levy an additional tax for road purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Paulding county be and they are hereby authorized to levy an additional tax on the grand levy of said county, not exceeding, in any one year, the sum of five mills on the dollar, for road purposes.

SEC. 2. That the tax assessed and collected, as provided for in the preceding section of this act, shall be expended upon the roads in the township where the same is collected, under the direction of the trustees of such township; provided that nothing in this act contained shall be so construed as to prevent such taxes being discharged by labor, at one dollar per day, under the direction of the supervisors of highways, in the appropriate road districts.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To amend an act entitled "An act to incorporate the Town of Marysville, in the county of Union," passed March 15th, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the legal voters, of the town of Marysville, in the county of Union, shall have power to meet, at the usual place of holding elections in said town, at any time between the day of the final passage of this act, and the day specified for holding the elections, for the corporation officers of said town, in the act to which this is an amendment, after ten days notice of the time and place of holding such meeting shall have been given, by written advertisements, posted up in four of the most public places in said town; and, when so assembled, said legal voters may proceed to appoint, viva voce, two judges and a clerk of election, and then and there elect such corporation officers as are provided for in the act to which this act is an amendment; provided that all subsequent elections shall be held according to the provisions of the act to which this act is amendatory; provided, further, that if at the hour for opening any annual election of officers of said town, under the act to which this act is amendatory, the judges and clerk of election, designated in said act, shall be absent, the legal voters present shall have right to appoint, viva voce, such number of other persons as may be necessary to make up the board of election, specified by said act.

SEC. 2. That if at any time hereafter, two consecutive annual election days, as specified in the act to which this act is amendatory, shall be suffered to pass, without an election of the corporation officers of said town being holden, the corporate franchises of said town shall be extinct.

SEC. 3. That the town council, when authorized by a vote of the electors of said town, shall have full power to adopt such measures as will accomplish the grading of the principal streets of said town, and the paving of the sidewalks thereof, within one year from and after the passage of this act.

SEC. 4. That any portions of the act to which this act is amendatory, which may be inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 5. That this act shall take effect from and after the passage thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To reduce the width of the State Road leading from Dayton to Salem, in Montgomery county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the width of the state road leading from Dayton to Salem, in Montgomery county, is hereby reduced from sixty six to sixty feet in width.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To repeal the act entitled "An act to provide for the improvement and repair of a certain county road in Hamilton county," passed February 26th, 1842.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to provide for the improvement and repair of a certain county road in Hamilton county," passed February twenty sixth, one thousand eight hundred and forty two, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To repeal an act entitled "An act to incorporate the town of Mount Eaton, in Wayne county."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to incorporate the town of Mount Eaton, in Wayne county," passed March fifth, anno domini, one thousand eight hundred and forty two, be and the same is hereby repealed, except so far as may be necessary to pay the debts, close the affairs, and dispose of the property of the existing corporation, by the present officers thereof, who shall continue in office for that purpose and no other.

SEC. 2. The territory, embraced within the town aforesaid, is hereby declared to be reattached to the same school districts as it was before the passage of the act hereby repealed; and the auditor of the county of Wayne is hereby authorized to apportion the school moneys, belonging to the district composed of said town, among the new districts, according to the number of scholars attached respectively to the same; provided, said districts shall be subject to alteration under the general law upon that subject.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To incorporate the Trustees of the Wesley Chapel, Norwich township, Franklin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Henry McCracken, Henry Turner, James Elliott, Cornelius Crum, Miskel Saunders, Abner Clapp, Arnold Clapp, Thomas Kellar, and Cyrus Hyar, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Wesley Chapel, in Norwich township, in Franklin county, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporation shall give at least ten days notice of the time and place of their first meeting under this act, by posting up an advertisement on the door of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To incorporate the "First Ten Mile Creek Regular Baptist Church," of Clermont county, State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That W. B. Hancock, Hezekiah Lindsey, and Andrew Gray, and their successors, be and they are hereby created a body corporate and politic by the name of the "First Ten Mile Creek Regular Baptist Church," of Clermont county, state of Ohio, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled, "an act securing to religious societies perpetuity of title to lands and tenements in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, anno domini, one thousand eight hundred and twenty five.

SEC. 2. The corporators shall give ten days notice of their first meeting under this act, by advertisement in three public places in the neighborhood of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To incorporate the First Freewill Baptist Society of Pittsfield, in the county of Lorain.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Nathan Whitney, Arnold King, Amos Van Volkenburg, and Ira Whitney, and their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Freewill Baptist Society of Pittsfield, in the county of Lorain, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said society shall give ten days notice of their first meeting under this act, by posting up advertisements in three of the most public places in said township.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To authorize the Trustees of the Methodist Episcopal Church, of Cincinnati, to sell certain real estate.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the Methodist Episcopal Church, of Cincinnati, or a majority of them, be and they are hereby authorized and empowered to sell, either at public or private sale, and convey the following described lot of land in the city of Cincinnati, state of Ohio, viz: beginning at the north-east corner of Fourth and Plumb streets, running thence easterly on the north side of Fourth street forty feet; thence northerly sixty feet; thence westerly parallel to Fourth street forty feet to Plumb street; thence with Plumb street southerly to the beginning, with the appurtenances; which sale shall be made on such terms as said trustees, or a majority of them, may deem most conducive to the interest of said church. And they or a majority of them are hereby authorized to make all deeds, conveyances, transfers and acquittances, as may be necessary to vest a good title in said premises to the purchaser.

SEC. 2. The proceeds of the sale of said premises shall be applied to the purchase of another and more suitable lot of ground in said city, and for the erection thereon of a house of public worship, for the perpetual use and benefit of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To incorporate the First Regular Baptist Church, of Newport, in the county of Washington.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That William Dana, Joseph Barker, Jr., Ira Hill, Jacob Middleswart, Charles Little, Peregrine F. Dana, Jacob D. Leonard, Carlton Parmer, William A. Bosworth, Ezekiel Slagel, and Amos Adkins, and their successors, be and they are hereby created a body corporate and politic, by the name of the First Regular Baptist Church of Newport, and, as such, shall be entitled to all the rights, privileges and immunities, and be subject to all the restrictions, prescribed by an act in relation to incorporated religious societies, passed March the fifth, one thousand eight hundred and thirty six.

SEC. 2. The first meeting under this act may be convened, on ten days notice, by a majority of the corporators aforenamed, posted at three public places in the vicinity of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

AN ACT

To incorporate the Wayne Township Lyceum, of Jefferson county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Carter, J. L. McFetredge, M. McConnell, their associates and successors, are hereby made and constituted a body politic and corporate by the name and style of the Wayne Township Lyceum, of Jefferson county; and, as such, shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 2, 1843.

AN ACT

To incorporate the Badger Library Society, of Plain, in the county of Wood.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joseph Badger, Elisha Martindale, Samuel Clark, Neptune Nearing, Isaac Vantassel, and their associates and successors, are hereby made and constituted a body politic and corporate, by the name and style of the Badger Library Society, of Plain, in the county of Wood; and, as such, shall have all the rights, privileges, and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 2, 1843.

AN ACT

To amend the act entitled "An act to incorporate the town of West Alexandria, in the county of Preble," passed March 14, 1836.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council shall have power, and they are hereby authorized to require of the owner or owners of any lot, fraction of land, or part of a lot, in said town, (outlots excepted,) to curb and pave the sidewalks, and pave

the public gutters fronting on the same, in such manner as they may, by public ordinance deem expedient; and, in case of the neglect or refusal of any person or persons, owners, as aforesaid, to comply with such requisition, said town council may cause such improvement to be made at the expense of the town, and the money so expended, is hereby made a tax upon the lot or lots, in front of which such improvement shall be made; and it shall be the duty of the recorder to certify the same to the county auditor, who shall enter upon the annual duplicate of taxes, for said town, in a separate column, for that purpose, against any lot or lots, the amount so charged and assessed, which tax shall be collected and paid over by the county treasurer, as other taxes are collected and paid over.

SEC. 2. That the town council shall give ten days notice, by posting up written notices in at least three of the most public places within the limits of said corporation, to the electors, of the alterations contained in this act, and that it shall be assented to by a majority of the voters within the limits of said corporation, before this act shall take effect.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 2, 1843.

AN ACT

To incorporate the Storrs Township Chapel, in Hamilton county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio.* That John Lodwick, Ethan Stone, Thos. H. Yeatman, G. R. Reynolds, Mathew McWilliams and William S. Hatch, and their associates, with such other persons as may hereafter be associated with them, be and they are hereby created a body corporate and politic, by the name and style of the Storrs Township Chapel, in Hamilton county, and by that name shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds or residences for preachers," passed January third, one thousand eight hundred and twenty five.

SEC. 2. That said corporators shall give twenty days notice by advertisement in three of the most public places in said Storrs township, of the time and place of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 2, 1843.

AN ACT

To incorporate the Port Clinton and Sandusky Bay Canal Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Samuel Hollinshead, James H. Magruder, James Kingham, Stanton H. Brown, Abraham Bell, Immer Knight, Sr., William B. Craighill, of Ottawa county, and John W. Gill, and Jacob Holloway, of Belmont county, with such other persons as shall be associated with them, for the purposes hereinafter specified, and their successors, be and they are hereby created a body corporate and politic, with succession for thirty years, by the name and style of the Port Clinton and Sandusky Bay Canal Company, and, as such, shall be capable of suing and being sued, answering and being answered unto, in all courts of justice.

SEC. 2. That the capital stock of said company shall consist of not more than one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be subscribed and paid for under such regulations as the aforesaid corporators, owning a majority of stock of said company shall prescribe.

SEC. 3. That said company, when formed, shall have power to make all bylaws necessary for the regulation of said company, and the transfer of stock; provided such bylaws shall not be inconsistent with the constitution and laws of this state, or of the United States.

SEC. 4. That the bylaws of the company shall not be valid or binding until they shall have received the sanction of the vote of a majority of the stock subscribed.

SEC. 5. That so soon as five thousand dollars of the capital stock shall have been subscribed, the stockholders, owning a majority of the stock subscribed by said company, shall have power to appoint a board of five directors, one of whom shall be president of said company, and the election of directors shall take place annually thereafter at such time and place as the bylaws shall prescribe.

SEC. 6. The company shall cause a record to be kept of all stock subscribed, and all transfers of stock with owners names, and amount held by each, which record at all times shall be open to the inspection of all persons having claims against said company.

SEC. 7. The stockholders shall be individually liable for all debts contracted in their corporate capacity, and be prohibited from the exercise of all banking privileges.

SEC. 8. That said corporation be and it is hereby authorized to locate, make, construct and forever maintain a navigable ship canal, or slackwater navigation, commencing at some point at or near the village of Port Clinton, at the mouth of the Portage river, thence running on the nearest and most practicable route to some point at or near the head waters of Sandusky Bay, on a line to be located by said company; and the said corporation is hereby authorized, for the purposes aforesaid, to construct all necessary locks, towing paths, basins, aqueducts, culverts, waste weirs, dams, wharves, embankments, toll houses and other necessary appendages to said canal, with further power to employ as reservoirs or feeders, all streams, ponds, or rivers, near or over which said canal may pass.

SEC. 6. That said corporation are hereby authorized to purchase and hold to them and their successors forever, real and personal estate to any

amount necessary, for constructing, maintaining and repairing said canal, or slackwater navigation, and the works connected therewith as aforesaid, and may receive and hold all voluntary donations of lands and real estate, which may be made to aid the objects of said corporation; and whenever said corporation shall become possessed of and own any property, real or personal, which it may be unnecessary for them to retain for the purposes aforesaid, it shall be lawful for said corporation to sell, lease, or convey the same by deed or other conveyance or assurance, proper in such cases.

SEC. 10. That a toll be and is hereby granted and established for the sole benefit of said corporation, forever, and it shall be lawful for said corporation from time to time, to fix, regulate and receive the tolls and charges by them to be received, for the transportation of property or persons on said canal authorized by this act; provided that all bylaws, to the breach of which penalties are annexed, shall be printed by said corporation, and a copy thereof placed in some conspicuous situation in each tollhouse on said canal, and if any person or persons shall wilfully mar, deface or pull down any such copy, he, she, or they shall each be subject to a penalty not exceeding ten dollars, to be recovered by action of debt before any court having jurisdiction thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 2, 1843.

AN ACT

To modify the existing boundaries of the counties Pike and Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections numbered two, eleven, fourteen, twenty three, twenty six and thirty five, in original surveyed township numbered five, of range number twenty, in the Chillicothe land district, be and the same are hereby detached from the county of Jackson and attached to the county of Pike; and that sections numbered thirty six, twenty five, twenty four, thirteen, twelve and one, in township numbered six, and sections numbered thirty six, twenty five and twenty four, in township numbered seven, of the same range, be and the same are hereby detached from the county of Pike, and attached to the county of Jackson.

SEC. 2. That the auditor of Jackson county shall forthwith, upon the passage of this act, make out a certified transcript from his duplicate of the property within the sections herein before first mentioned, which is on the said duplicate for taxation, and cause the same to be delivered to the auditor of Pike county, who shall place the same upon the duplicate of Pike county, for taxation; and the auditor of Pike county, shall, in like manner, cause a certified transcript of the taxable property within the limits of the sections hereby attached to Jackson county, to be delivered to the auditor of Jackson county, who shall in like manner place the same

upon the duplicate of said county for taxation; provided, that the officers of the said counties of Pike and Jackson, shall proceed to collect the taxes levied upon all the said property for the year one thousand eight hundred and forty two, and preceding years, in the same manner precisely as though this act had not passed.

SEC. 3. That the sections hereby attached to the county of Pike, shall form a part of the township of Beaver, in said county of Pike, and the sections hereby attached to the county of Jackson, shall form a part of the township of Jackson, in Jackson county, until the commissioners of the said counties shall respectively otherwise order.

SEC. 4. That no suit now pending in favor of, or against, any person or persons residing within the limits of the aforesaid sections, shall abate by reason of the passage of this act, but the same may be prosecuted to final satisfaction thereof, in the same manner as though this act had not passed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 7, 1843.

AN ACT

To extend the corporate limits of the town of Circleville, and to amend the act incorporating said town.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the township of Circleville, in the county of Pickaway, as is included in the following limits, viz: beginning at a point on the western bank of the Scioto river, directly west of the line between sections eighteen and nineteen, township eleven, range twenty one; thence, running due east, to the northeast corner of the northwest quarter of section twenty; thence south, with the half section line, to the north line of section twenty nine; thence west, to the northwest corner of section twenty nine; thence south, to the southeast corner of the northeast quarter of section thirty; thence, a due west course, to the western bank of the Scioto river; thence, up said river, on the western bank thereof, to the place of beginning, be and the same is hereby erected into a town corporate, by the name and style of the town of Circleville; provided, that no portion of the territory embraced within said limits, not now subject to pay corporation taxes, shall be liable for the payment of such taxes, so long as the same shall remain unimproved, or be used for ordinary farming purposes.

SEC. 2. That the affairs of said town shall be managed by a town council, consisting of a mayor, and not less than eight, nor more than twelve councilmen, to be chosen as hereinafter provided; which said town council shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the town of Circleville; and shall be capable, in law, of acquiring and receiving, holding and conveying, any es-

tate, real or personal, for the use of said town; may have a common seal, and alter the same at their discretion; may sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this state; and when any suit shall be brought against said town, the first process shall be a summons, an attested copy of which shall be left with the mayor, at least ten days before the return day thereof.

Sec. 3. That, for municipal purposes, the said town shall be divided into four wards, by the four main streets thereof; the northeast quarter being the first ward, the southeast quarter the second ward, the southwest quarter the third ward, and the northwest quarter the fourth ward; and it shall be lawful for the white male inhabitants of each ward, having the qualifications of electors of members of the general assembly, to meet at such place within their respective wards as shall be designated by the town council, on the first Monday of March, annually, and then and there proceed to vote, by ballot, for a mayor of said town, and for such number of councilmen as such ward may be entitled to elect; and the person receiving the highest number of votes, in the aggregate, for mayor, shall be deemed duly elected to that office; and the person receiving the highest number of votes, in their respective wards, for councilmen, shall be deemed duly elected members of the town council; provided that no person shall be eligible to the office of mayor or councilman, who shall not possess the qualifications of an elector.

Sec. 4. That at the first election to be held under this act, each ward shall be entitled to elect two members of the town council, one of whom to hold the office for one year, and the other for two years, and until their successors are duly elected and qualified; and the respective terms of office of the persons so elected shall be determined by lot, in presence of the town council, at the first meeting of said council after the election; and so soon as any ward shall contain two hundred and fifty resident voters, such ward shall be entitled to choose an additional member of the town council.

Sec. 5. All elections to be holden under this act shall be conducted by two judges and a clerk, to be appointed by the town council, who, before entering upon the duties of their said appointment, shall take an oath or affirmation faithfully to discharge the duties of their appointment; and in conducting such election, said judges and clerks shall be governed by the provisions of the act entitled "an act to preserve the purity of elections," passed March twenty, one thousand eight hundred and forty one; the polls to be opened at ten o'clock, A. M., and to close at four o'clock, P. M.; the poll books to be certified by the judges, attested by the clerk, and by him sealed and delivered to the mayor, within one day after the closing of the polls; and the mayor, within three days after the election, shall, in presence of two members of the town council, proceed to open and canvass such returns; he shall forthwith cause written notice to be served on the persons so elected, of their said election; and it shall be the duty of the persons so elected, within four days after the service of such notice, to file with the mayor a certificate of their having taken the oath required by law; and, in default of their so doing, they shall be taken to have declined accepting the office, and the same shall, as to them, be deemed vacant; and the town council may proceed to fill such vacancy, by the appointment of a resident of the same ward, who shall serve until the next annual election.

Sec. 6. The town council shall choose, annually, from among the councilmen, a president, pro tempore, who shall, in the absence of the mayor,

preside in all meetings of the town council; and, in case of the absence or disability of the mayor, shall discharge, pro tempore, the other duties prescribed for that officer.

Sec. 7. The town council, or a majority of them, whereof the mayor or president, pro tempore, shall always be one, shall have authority—

First. To make and publish all such bylaws and ordinances, consistent with the constitution and laws of the United States, and of this state, as they shall deem necessary for the regulation, interest, safety, health, cleanliness, and convenience of said town, and the inabitants thereof;

Second. To appoint a treasurer, recorder, police constable, and such other subordinate officers as they may deem necessary; to prescribe their duties, require of them to give bond for the faithful discharge of their duties, fix their compensation, remove them at pleasure, and impose such fine, not exceeding five dollars, as they shall deem just, for refusing to accept any office in said corporation, or for neglect or misconduct therein;

Third. To fill all vacancies that may happen by death, resignation, removal, or otherwise, in their own body, or in any office within their gift;

Fourth. To levy a tax, annually, for corporation purposes, on all the objects in said town, made subject by the laws of this state to taxation, for state and county purposes, except as hereinbefore excepted, provided that such tax shall not, in any one year, exceed, in amount, five mills on the dollar of valuation, as charged upon the county duplicate, without a direct vote to that effect by the citizens of the town; nor, in any event, shall such tax exceed, in one year, ten mills on the dollar of such valuation; they may, also, levy a tax, not exceeding one dollar, annually, per head, upon all dogs, owned or kept within said town;

Fifth. To fix and establish the grades of the streets and alleys within said town.

Sec. 8. When the town council shall have agreed upon the amount of per centum of tax to be paid in any one year, for corporation purposes, they shall certify the same to the auditor of Pickaway county, who shall assess such tax, and make out duplicate lists thereof, in the same manner as he is required to do, in regard to state and county taxes, one of which lists he shall deliver to the treasurer of Pickaway county, and the other to the recorder of said town; and the county treasurer shall collect such taxes in the same manner as he is required by law to collect other taxes, and shall pay over the same to the treasurer of the town, and take his receipt therefor; and in the collection of said taxes, the county treasurer shall have the same power to sell, both real and personal estate, as is given him, by law, for the collection of other taxes; and, when necessary, the auditor shall make deeds for real estate, so sold, as in other cases. And for the services rendered by the auditor and treasurer, under this section, they shall be entitled to charge and receive the same compensation as is allowed, by law, for similar services, in assessing and collecting state and county taxes; and when the town council shall levy a tax upon dogs, said tax shall be assessed and collected, as said council may, by ordinance, provide.

Sec. 9. That the town council shall have authority to require of the owner, or owners, of any lot, fraction of land, or part of a lot, in said town, (outlots excepted,) to curb and pave the side walks, and pave the public gutters, fronting on the same, in such manner as they may, by public ordinance, deem expedient; and in case of the neglect or refusal of any person,

or persons, owners, as aforesaid, to comply with such requisition, said town council may cause such improvements to be made at the expense of the town; and the money so expended is hereby made a tax upon the lot or lots in front of which such improvements shall be made; and it shall be the duty of the recorder to certify the same to the county auditor, who shall enter upon the annual duplicate of taxes for said town, in a separate column, for that purpose, against any lot or lots, the amount so charged and assessed, which tax shall be collected and paid over by the county treasurer, as other taxes are collected and paid over.

SEC. 10. The territory, embraced within the limits of said town, shall be and is hereby constituted a road district; and the town council shall have authority to appoint the supervisor, or other road officers, therein, as they may deem expedient, and to require of such supervisor, or other road officers, to perform all the labor upon the public highways in said district, under the direction of the town council; provided that the trustees of Circleville township, (in which said town is situated) may add to said district any territory, in said township, which they may deem proper.

SEC. 11. The mayor shall be a conservator of the peace, within the limits of the town, and shall, when present, preside at all meetings of the town council, and have only a casting vote therein, and may exercise all the powers and functions of a justice of the peace, within said town, and in all his acts, as a justice of the peace, he shall be governed by the laws defining the duties of justices of the peace, and shall be entitled to receive the same fees as justices of the peace are entitled to receive for similar services; he shall give such bond and security as is required, by law, of justices of the peace, to the acceptance of the council; he shall be authorized to hear and determine all cases, arising under the laws and ordinances of the town, and to issue such process as may be necessary to carry into execution such bylaws and ordinances; and in all cases wherein the mayor shall act as a justice of the peace, an appeal may be taken from any final decision or judgment of his, to the court of common pleas of Pickaway county, in the same manner as from that of a justice of the peace.

SEC. 12. The recorder shall make and keep a fair and accurate record of all bylaws, ordinances, orders, and resolutions, made and ordained by the town council, and of all their proceedings in their corporate capacity, which record shall, at all times, be open to the inspection of the electors of said town; and he shall perform such other duties as may be required of him by the by-laws and ordinances of the town.

SEC. 13. In the service and execution of all process directed to them by the mayor, the police constables shall have the same power as is, by law, given to constables; they shall be governed by the laws defining the duties of constables, and shall be entitled to receive the same fees as are allowed to constables for similar services; and they shall perform such other duties as shall be required of them by the bylaws and ordinances of the town.

SEC. 14. That the town council shall be allowed the use of the jail in said county, for the confinement of such persons as may be liable to imprisonment, under the laws and ordinances of said town; and all persons so imprisoned shall be under the charge of the sheriff of said county, as in other cases.

SEC. 15. This act to take effect and be in force from and after the passage thereof; provided that two thirds of the electors of said town shall assent

to the same by an actual vote, to be taken at such time and place as the town council shall designate; and all former acts, or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed; provided, that all acts done, and liabilities incurred, under any of the acts hereby repealed, shall be treated and adjudged according to the provisions of said acts.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 7, 1843.

AN ACT

To authorize the Trustees of the township of Milton, in the county of Trumbull, to lay off said township into school districts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Milton, in the county of Trumbull, shall meet, on or before the tenth day of April, one thousand eight hundred and forty three, and proceed to lay off said township into school districts, as provided for in the sixth section of an act entitled "an act for the support and better regulation of common schools," passed March seventh, one thousand eight hundred and thirty eight, and when the township shall be so districted, and a record thereof made in the township books, the said trustees shall cause a copy of the same to be deposited in the auditor's office on or before the first day of May next; provided, that if said trustees shall neglect, or refuse to comply with the provisions of this act within the time specified, then the auditor of said county shall appoint some suitable person to perform the duties aforesaid, who shall be paid at the rate of one dollar per day, out of the township treasury, on the certificate of the county auditor.

SEC. 2. And when the duties specified in the first section of this act shall be performed, it shall be binding upon all persons concerned, and have the same force and effect as if said township had been laid off into school districts, under the act of the seventh of March, one thousand eight hundred and thirty eight, immediately after the passage of said law. This act to take effect from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To amend the act entitled "An act to incorporate the First Presbyterian Church of Grand, Marion county," passed February 26, 1842.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the corporate name of the First Presbyterian Church of Grand, Marion county, be and the same is hereby changed to that of the First Presbyterian Church of Marseilles, Marion county, and, by such name, shall be entitled to all the rights and privileges granted by, and shall be subject to the restrictions of, the act to which this is an amendment, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

Regulating the principal and interest arising from the sale of section sixteen, in Delhi township Hamilton county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all portions of the principal hereafter collected and paid into the treasury of Hamilton county, arising from the sale of section sixteen, in Delhi township, shall be paid into the state treasury, by the treasurer of said county, within thirty days after the same shall have been so collected.

SEC. 2. That the treasurer of Hamilton county shall hereafter pay the interest accruing on the several sums of the principal, arising from the sale of said section sixteen, now remaining unpaid, over to the treasurer of Delhi township, for school purposes in said township, upon the receipt of the same into the county treasury.

SEC. 3. That the treasurer of Hamilton county shall pay over all portions of the interest arising from said principal, heretofore received and now remaining in the treasury of said county, to the treasurer of Delhi township, for said school purposes.

SEC. 4. That all acts and parts of acts heretofore passed by the general assembly, inconsistent with the provisions of this act, be and the same are hereby repealed. This act to be in force from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To authorize the Trustees of the township of Painesville, in the county of Lake, to divide the town of Painesville, into school districts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the township of Painesville, in the county of Lake, are hereby authorized to divide the town of Painesville into two or more school districts, and shall hereafter have the same power to alter or divide said districts as they now have to alter or divide the other school districts of said township.

SEC. 2. That this act shall take effect and be in force, from and after the fifteenth day of March next.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the Maumee City Academy, in the county of Lucas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John E. Hunt, Robert A. Forsythe, James Wilkinson, William Kingsbury, Horace Waite, William St. Clair, T. M. Lane, A. G. Sargent, William Limbrick, C. Matthews, and their associates, and successors, be and they are hereby created and made a body corporate and politic, by the name and style of the Maumee City Academy, of Lucas county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions defined in, the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 2. That the incorporators, or a majority of them, shall give ten days previous notice, by posting up written or printed advertisements, in five of the most public places in Maumee City, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate Providence College.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That, for the purpose of establishing a college for the education of youth in the various branches of useful knowledge, Wilson Shannon, B. Mitchel, William Taggart, G. M. Hair, Alexander Ewing, James Alexander, James Kerr, John Young, Thomas Thompson, Matthew H. Philips, John Campbell, Moses Cannon, James Simerall, William Ramage, John McConnell, John Martin, Sample Clark, John Downing, William Campbell, James McCartney, and Henry Perrygoy, citizens of Ohio, be and they are hereby created a body politic and corporate, with perpetual succession, with full power to sue and be sued, to plead and be impleaded, to acquire, hold and convey property, both real and personal; to have and to use a common seal, to alter and renew the same at pleasure; to confer on those whom they may deem worthy, all such honors and degrees as are usually conferred by colleges, and to make and alter, from time to time, all such bylaws as shall be deemed necessary for the government of said institution, provided, that such bylaws are not inconsistent with the constitution and laws of the United States, or of this state.

SEC. 2. The said corporation shall be known and designated by the name and style of the Trustees of Providence College; and the college shall be styled Providence College, and shall be located at New Athens, or vicinity, in Harrison county.

SEC. 3. The officers of the trustees shall be a president, vice president, treasurer and secretary, to perform the duties usually performed by such officers; the number of trustees shall not be less than eleven, nor greater than twenty one, exclusive of the president of the college, who shall be, ex-officio, a member of the board of trustees; five trustees shall constitute a quorum for the transaction of business.

SEC. 4. The treasurer shall be styled Treasurer of Providence College; and, before entering on the duties of his office, shall give bonds for the security of the corporation and of the public, in such penal sum, and with such securities, as shall be approved by the trustees.

SEC. 5. The said college shall afford instruction in the liberal arts and sciences usually taught in colleges, and shall be allowed to have an academical department for the instruction of students in the various branches of academical education and general knowledge, not included in the usual collegiate course.

SEC. 6. The trustees shall appoint a president, professors and tutors, to constitute the faculty of the college, and to be charged with its government and instruction; they shall also appoint other officers, instructors and agents, as they shall be needed, and a provision may be made for their support; and shall have power to remove any or either of the faculty, or other officers, instructors and agents, for good and sufficient reasons; and to fill all vacancies which may occur in said board of trustees, in said faculty, or among said officers, instructors and agents; the trustees shall also prescribe the courses of study and instruction to be pursued in the college, and in the academical department which may be connected with it; procure funds for the endowment of professorships, the erection of buildings to be

used as college edifices or additions thereto, the purchase of books, charts, chemical, philosophical and astronomical apparatus, and for whatever else may be necessary for the prosperity and usefulness of the college, and shall faithfully apply what they receive to these purposes; provided nevertheless, that in case any donation, or other bequest, shall be made to the college, for purposes accordant with its designs, and the trustees shall accept or receive the same, every such donation or bequest shall be applied in conformity with the conditions or designs expressed by the donor, as far as may be, and not inconsistent with this act, provided that none of the property or funds of this institution shall be used for banking purposes either directly or indirectly.

SEC. 7. The trustees shall meet annually, and oftener, if necessary; they shall, also, hold special meetings, at the request of any three members of the board; and, in case of special meetings, notice shall be given to each member of the board, at least ten days before the time of said meeting; the first meeting shall be held at the college, in the town of New Athens, Harrison county, on the third Tuesday after the passage of this act.

SEC. 8. Any future legislature may alter, amend or repeal this act; provided, that no property belonging to said college shall ever, by law, be appropriated to any other objects than those herein specified.

SEC. 9. The private and individual property of the corporators shall be held responsible for the payment of the debts of said college.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To extend to Lake county the provisions of the seven first and the last sections of an act entitled "An act to provide for the collection and payment of costs, in prosecutions, for minor offences, in the county of Cuyahoga," passed March 20th, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the seven first and the last sections of an act entitled "an act to provide for the collection and payment of costs, in prosecutions, for minor offences, in the county of Cuyahoga," passed March twentieth, one thousand eight hundred and forty one, be and they are hereby extended to, and hereafter shall be in force in, and throughout the county of Lake.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To repeal the act authorizing the holding of special Courts in the county of Cuyahoga.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "an act to authorize the holding of special courts in the county of Cuyahoga," passed February thirteenth, anno domini, one thousand eight hundred and thirty nine, and also an act entitled "an act to amend an act entitled 'an act to authorize the holding of special courts in the county of Cuyahoga,'" passed March sixteenth, anno domini, one thousand eight hundred and thirty nine, and also an act entitled "an act further to amend an act entitled 'an act to authorize the holding of special courts in the county of Cuyahoga,'" passed March twelfth, anno domini, one thousand eight hundred and forty, be and the same are hereby repealed; provided, that as to the second section of the last mentioned act, this act shall not take effect, until the first day of April, anno domini, one thousand eight hundred and forty three.

SEC. 2. That all cases and all recognizances, continued at the last term of said special court, shall be construed to be continued to the regular term of the court of common pleas, first to be holden in said county, after the first day of April, anno domini, one thousand eight hundred and forty three, and all process, and other proceedings, returnable to said special court, shall be construed to be returnable to the regular term, last aforesaid, of said court of common pleas.

SEC. 3. That all recognizances heretofore entered into, or which shall be entered into previous to the rising of the next regular term of the court of common pleas of said county, for the appearance of the respective parties at the next term of said court of common pleas, or of said special court, shall be construed to be for the appearance of the same at the said regular term of said court of common pleas, first to be holden after the said first day of April, anno domini, one thousand eight hundred and forty three.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To authorize the Commissioners of Hamilton county, to borrow money, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the county of Hamilton, and their successors in office, for the term of four years, from and after the passage of this act, be and they are hereby authorized to borrow, on the credit of said county, a sum of money, not exceeding five thousand dollars, at a rate of interest not exceeding seven per cent. per annum, which money, when borrowed, under the provisions of this act, shall be applied to the payment of orders

granted by the auditor of Hamilton county, for county purposes, and for no other use or purpose whatever.

SEC. 2. That the county commissioners of Hamilton county are hereby authorized to levy a tax on the taxable property of said county, sufficient to pay the principal and interest of the sum so borrowed as the same may fall due.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To amend the act entitled "An act to incorporate the town of Akron, in Summit county," passed March 12th, 1836.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council, of the town of Akron, in Summit county, shall have power to pass such bylaws as may be necessary to prohibit, within the corporate limits of said town, the retailing, vending or selling of ardent spirits, or other intoxicating liquors, by any person or persons, other than licensed tavern keepers, or physicians in the course of medical practice.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

Further to amend the act entitled "An act to incorporate and establish the City of Cincinnati, and for revising and repealing all laws and parts of laws heretofore enacted on that subject," passed March 1st, 1834.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the said city of Cincinnati shall be, and the same hereby is, divided into nine wards, the boundaries of which are hereby established as follows, viz: First Ward: Beginning at the intersection of Main and Third streets, running thence east along Third street to Symmes street; thence northeasterly, up Symmes and High streets, to a point opposite David Kilgour's house; thence on a line drawn north, sixteen degrees east from said Kilgour's house, to the corporation line; thence due west, along said corporation line, to where the same is intersected by the Deer creek road; thence south and southwesterly along the middle of said road to where it is crossed by Deer creek; thence down said creek to where it is crossed by the Miami canal; thence along said canal to Sixth street; thence along Sixth

street to Main street; thence south, down Main street to Third street.—Second ward: Beginning at the intersection of Main and Third streets; running thence west along Third street to Western Row; thence north, along Western Row to Sixth street; thence east, along Sixth street to Main street; thence south, down Main street to Third street. Third Ward: Beginning at the intersection of Main and Third streets; running thence east, along Third street to Symmes street; thence northeasterly, up Symmes and High streets, to a point opposite David Kilgour's house; thence on a line drawn north, sixteen degrees east from said Kilgour's house, to the corporation line; thence east, along the corporation line, to the Ohio river; thence down the Ohio river, with its meanders, to Main street; thence north, up Main street to Third street. Fourth Ward: Beginning at the intersection of Main and Third streets; running thence south, down Main street, to the Ohio river; thence down the Ohio river, with the meanders thereof, to John street; thence north, up John street, to Third street; thence east, along Third street to Main street. Fifth Ward: Beginning at the intersection of Main and Sixth streets; running thence north, up Main street, to the corporation line; thence due west, with the corporation line, to Race street; thence south, down Race street to Sixth street; thence east, along Sixth street to Main street. Sixth Ward: Beginning at the intersection of Sixth and Western Row streets; running thence south, down Western Row, to Third street; thence west, along Third street, to John street; thence down John street to the Ohio river; thence down the Ohio river, with the meanders thereof, to Mill creek; thence up Mill creek, with the meanders thereof, to where Sixth street continued west will strike said Mill creek; thence east, along Sixth street, to Western Row. Seventh Ward: Beginning at the intersection of Race and Sixth streets; running thence north, up Race street, to the corporation line; thence due west, along the corporation line, to John street; thence south, down John street, to Sixth street; thence east, along Sixth street, to Race street. Eighth Ward: Beginning at the intersection of John and Sixth streets; running thence, north, up John street, to the corporation line; thence due west, along the corporation line, to Mill creek; thence down Mill creek, with the meanders thereof, to where Sixth street continued west will strike said Mill creek; thence east, along Sixth street, to John street. Ninth Ward: Beginning at the intersection of Main and Sixth streets; running thence north, up Main street, to the corporation line; thence due east, along the corporation line, to where the same crosses the Deer creek road; thence south and southwesterly, along the middle of said road, to where the same is crossed by Deer creek; thence down Deer creek to where the same is crossed by the Miami canal; thence down the Miami canal to Sixth street; thence, west, along Sixth street, to Main street.

Sec. 2. The place of holding elections, in each ward of said city, for state, county, city and township purposes, shall be in as central a part of the ward as convenient and practicable.

Sec. 3. That for the purpose of relieving the labor of the judges of the city election in the counting of votes, the election of constables shall be held at the township polls in said city; and the judges of the township election shall, within two days after the election, make and direct the returns of the votes for constables, on a separate sheet, to the Mayor of said

city, who shall dispose of said returns in the manner now required of him by the twenty second section of the act to which this is an amendment.

SEC. 4. That so much of the eleventh section of the act to which this is an amendment, as was repealed by the act entitled "an act to repeal so much of each and every act of the general assembly as empowers any incorporated city, town, village or borough, within the state, to license groceries or coffee houses, or in any manner confer the power to retail spirituous or intoxicating drinks," passed March seventh, one thousand eight hundred and forty two, be and the same is hereby revived, and declared to be in full force and effect.

SEC. 5. That so much of the third section of the act to which this act is an amendment as empowers the city council of said city to make alterations in the boundaries of, or to establish additional wards, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

Further to amend the several acts relating to the incorporation of the town of Rossville, in Butler county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the acts relative to the incorporating of the towns of Hamilton and Rossville, in the county of Butler, be and they are so far amended that the officers of the town of Rossville shall be hereafter elected, annually, on the first Saturday of May.

SEC. 2. That the mayor and council of the corporation of Rossville are hereby authorized to assess and collect the same tax from individuals harboring or permitting any dog or dogs to remain upon their premises as is now collected of owners of dogs in said town.

SEC. 3. That all dogs, owned and taxed as aforesaid, and are permitted to run at large, shall be provided, by the owner, with a collar, fastened around the neck, with the initials of the owner's name inscribed thereon.

SEC. 4. That all such tax, levied under the act to which this is an amendment, shall be assessed and collected in such a manner as the town council shall, by ordinance, direct.

SEC. 5. That all taxes levied for corporation purposes, within said town of Rossville, shall include the whole property within the entire limits of said corporation subject to state and county taxation.

SEC. 6. For the purpose of carrying into effect the foregoing acts, the town council is hereby authorized and empowered to pass such ordinances, and annex such penalties, not inconsistent with the constitution and laws of this state, as will secure the corporation against any violation of the same.

SEC. 7. That so much of the several acts to which this is an amendment, as conflicts with the provisions of this act, be and the same are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the Directors of the Wesleyan Cemetry, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Christopher Smith, Eli Richman, Alexander Webb, Harvey Decamp, John Reeves, William Woodruff, George W. Townley, and Samuel Williams, be and they are hereby created a body politic and corporate, under the name and style of the "Directors of the Wesleyan Cemetery, of Cincinnati," and, by that name, shall be capable of contracting and being contracted with, of sueing and being sued, of pleading and being impleaded, of answering and being answered, in all courts and places, and in all matters whatsoever, with full power to purchase, receive, hold, occupy, and convey, any real and personal estate, which they may deem necessary to promote the object, or advance the interests of the said corporation, and to use a corporate seal. The said directors shall continue in office until their successors shall be chosen, as hereinafter directed.

SEC. 2. The directors of the said cemetery shall be chosen triennially, on the first Monday in March, by the boards of trustees of the Methodist Episcopal Church, severally and jointly interested therein, to wit: two by the trustees of the Wesley Chapel; two by the trustees of Fourth Street Chapel; two by the trustees of the Ninth Street Chapel; and two by the trustees of Asbury Chapel. And whenever any new pastoral charge shall be set off from one or more of the four herein before named, the trustees of such new charge shall have power to appoint, in like manner, two directors of the said cemetery; and the several boards of trustees shall, respectively, fill all vacancies occurring in said board of directors. The board of directors shall elect, annually, from their own body, a president, secretary, and treasurer, and shall fill, in like manner, all vacancies occurring in the said offices. The title to all the property of the corporation, real and personal, shall be vested in the directors, who shall have the government and regulation thereof, and of the business and interests of the corporation, and may adopt such general rules and regulations for that purpose, not inconsistent with the laws of this state, as they may judge best.

SEC. 3. That the said directors shall have authority to dedicate and appropriate any real estate which they may now own, or which may hereafter be purchased by, or conveyed to, them as and for a rural cemetery, or burying ground, and for the erection of tombs, cenotaphs, and other monuments for, and in memory of, the dead; and for this purpose to lay out the

same in suitable lots or other subdivisions, for family or other burying places; and to plant and embellish the same with trees, shrubbery, flowers, walks, and other rural ornaments or improvements; and to make and provide suitable enclosures; and to make and annex thereto such other suitable appendages and conveniences as they shall, from time to time, deem expedient; and whenever the said directors shall lay out and dedicate any of their real estate, for a cemetery or burying ground, as aforesaid, the same shall be deemed a perpetual dedication thereof, for the purposes aforesaid, and shall be forever held by the said directors, in trust, for such purposes, and for none other. And all real estate so dedicated, for the purposes aforesaid, with the grounds occupied by the sexton's and porter's dwelling house and garden attached thereto, any road owned by the directors, connecting their said ground with any public road, shall be exempted from taxation. And the said directors shall have authority to grant and convey to any person or persons, the sole and exclusive right of burial, and of erecting tombs, cenotaphs, and other ornaments, in any such designated lots or subdivisions, upon such terms or conditions, and subject to such regulations, as the said directors shall prescribe; and every right so granted or conveyed, shall be held for the purpose aforesaid, and for none other, as real estate, by the proprietors thereof, and shall not be subject to attachment or execution.

Sec. 4. That it shall be lawful for the said directors to take and hold any grant, donation, or bequest of property, upon trust, to apply the income thereof for the improvement or embellishment of the said cemetery, or any lot, or subdivision thereof, for the repairs, preservation, or renewal of any tomb, monument, gravestone, fence or railing, or other erection, in or around any burying lot, or for the planting and cultivation of trees, shrubs, or plants, in or around any burying lot, according to the terms of such grant, donation, or bequest; and any court in this state, having equity jurisdiction, shall have power to compel the due performance of the said trusts, or any of them, upon a bill filed for that purpose, by a proprietor of any lot in said cemetery.

Sec. 5. That any person who shall wilfully destroy, mutilate, deface, injure, or remove, any tomb, monument, gravestone, or other structure, placed in the cemetery, aforesaid, or any fence, railing, or other work, for the enclosing, protection, or ornament of the said cemetery, or of any tomb, monument, gravestone, or other structure aforesaid, or of any burying lot, within the limits thereof, or shall wilfully destroy, cut, break, or remove any tree, shrub, or plant, within the limits of said cemetery, or shall shoot or discharge any gun or other fire arms within the limits aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any justice of the peace, within the proper township, be punished by a fine not less than five dollars, nor more than fifty dollars, according to the nature and aggravation of the offence; and such offender shall also be liable in an action of trespass to be brought against him, in any court of competent jurisdiction, by the said directors, to pay all such damages as shall have been occasioned by his unlawful act or acts, which money, when recovered, shall be applied by the directors of the said cemetery, to the reparation and res-

toration of the property destroyed or injured aforesaid; and, in such action, any of the said directors, or any proprietor of a lot in said cemetery, shall be a competent witness.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To lay out and establish a State Road in the counties of Gallia and Meigs.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Samuel R. Holcomb and Hiram Wilcox, of Gallia county, and Wm. Ledlie, of Meigs county, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at or near the farm of John Darst, in Meigs county, and on the road leading from the Ohio river to McArthurstown, running thence on the line between the lands of John Clouse and Christopher Coy, past the farms of Peter Leonard and James Eblin, to the town of Porter, in the county of Gallia; and said commissioners shall be governed by the laws now in force pointing out the mode of laying out state roads.

SEC. 2. The commissioners of the county in which any vacancy in the office of commissioner may occur, are hereby required to fill the same as often as the same may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the Mechanics' Fire Engine and Hose Company, No. 2, of Fulton.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That M. M. Jackson, Andrew Shearer, Benjamin Everson, Robert Tealun, Peter Fleak, Jacob Shearer, Baltzer Waldon, Alexander F. Temple, George W. Streater, Enos Anderson, Burton Hazen, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Mechanics' Fire Engine and Hose Company, No. 2, of Fulton, with succession for thirty years, and, as such, shall be capable in law of sueing and being sued, pleading and being impleaded in any action or suit in any court having competent jurisdiction; they shall have power to hold and possess property, either real or otherwise, to the

amount of five thousand dollars, and no more, and shall be competent to contract and be contracted with, to enact bylaws, and to adopt such regulations as may be deemed proper for the good order of said company, provided such bylaws and regulations are not contrary to the laws of this state, or of the United States.

SEC. 2. The officers of said company shall consist of a president, vice president, secretary, treasurer, standing committee of five members and six directors, who shall be elected by ballot on the first Monday of April; in each year, and shall hold their offices until their successors are chosen, provided, that a failure to make an election on the day herein appointed, shall not work a forfeiture of the privileges of the corporation, but in case of such a failure from any cause, the company shall have power to appoint such other day for an election as they may think fit.

SEC. 3. That said company shall have power to use a common seal, which they may alter, break or renew at pleasure.

SEC. 4. This act shall be taken, received and construed as a public act, and shall take effect from and after its passage; provided, that nothing herein contained shall be so construed as to grant to said company the privilege of banking, or to prevent the legislature of this state from amending, altering or abolishing this act whenever they may think proper; and it is provided further, that the members of said company shall be individually liable for all debts contracted by the same.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To vacate the town plat of the town of Seville, in the county of Columbiana.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town plat of the town of Seville, in the county of Columbiana, be and the same is hereby vacated, and that all laws, in relation to said town, are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the First Universalist Society of Carlisle and Eaton, in the county of Lorain.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Daniel Tenny, Frederick M. Kelsey, and William Kales, and their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Universalist Society of Carlisle and Eaton, in the county of Lorain; and, as such, shall be entitled to all the rights, privileges and immunities granted by, and subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act regulating corporations generally, passed January seventh, one thousand eight hundred and forty two.

SEC. 2. That said society shall give ten days notice of their first meeting under this act by posting up advertisements in three of the most public places in said society.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the First English Evangelical Lutheran Church, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Charles Wolloener, Samuel Starkman, John Myers, and Michael Shaeffer, their associates and successors, be and they are hereby incorporated a body politic and corporate, by the name and style of the First English Evangelical Lutheran Church of Cincinnati, and, as such, shall enjoy all the privileges and immunities, and be subject to all the restrictions and provisions of an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act regulating corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That ten days notice, in writing, shall be given by the corporators, posted up in three public places within the bounds of said church, of the time and place of holding their first meeting.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the First Universalist Society in the town of Hebron.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jame Lyon, James Holmes, Robert Fristoe, James Harvey, and Thomas Ewing, and their associates and successors, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of the "First Universalist Society of Hebron," in the town of Hebron, and, by that name, shall be entitled to all the rights, privileges, and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled "an act for securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and with full power and authority to sell and convey any real estate now belonging to said religious society for the benefit of said church.

SEC. 2. That said corporators shall give twenty days notice by advertisements in three of the most public places in said town of Hebron, of the time and place of their first meeting under the provisions of this act.

SEC. 3. That said corporators shall be subject to all the restrictions of the act regulating corporations generally, passed January seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the Trustees of the Evangelical, Lutheran and German Reformed Churches, of New Reading, in the county of Perry and State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That David Speece, David Overmier, Jacob Poorman and Philip Dupler, and their successors in office, be and they are hereby created a body politic and corporate by the name and style of the Trustees of the Evangelical, Lutheran and German Reformed Churches of New Reading, in the county of Perry, and state of Ohio, with all the rights, privileges and immunities, and subject to all the duties and liabilities granted or imposed on religious societies by an act passed March fifth, eighteen hundred and thirty six, entitled "an act in relation to incorporated religious societies," and by an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds or residences for preachers," passed January third, one thousand eight hundred and twenty five.

SEC. 2. That the male members of the churches aforesaid, shall meet annually hereafter at the meeting house, for the time being, of said churches, in said town of New Reading, in said county, on the Monday next after Easter Sunday, and then and there, between the hours of ten o'clock A. M., and five o'clock P. M., on such day of meeting, elect four trustees for said churches, two of whom shall be of the Evangelical Lutheran Church, and the other two of whom shall be of the German Reformed Church.

SEC. 2. That any ten of said male members, when met as aforesaid, shall form a quorum for such election, and when such trustees are thus elected they shall hold their offices for one year, and until their successors shall be elected, and shall deliver up to such successors all books and papers which may have come into their hands, as such trustees, relating to said churches.

SEC. 4. That notice shall be given by at least two of said corporators for the space of at least ten days, next previous to the now next Easter Monday, of the time and place of the first meeting under this act, by posting up two written notices thereof, in two of the most public places in said town of New Reading, one of which shall be on the door of said meeting house.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the Morris Chapel of the Methodist Episcopal Church, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Alexander Webb, Hutson E. Hughes, Paul Rust, Christopher Walker, Joshua Warfield, Harvey Decamp, Ellis Dunaway, James Hughes and John Dubois, their associates and successors, be and they are hereby created a body corporate and politic, by the name of "the Morris Chapel, of the Methodist Episcopal Church, of Cincinnati," and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act regulating corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The said corporators shall give ten days notice, by advertisement, in some newspaper printed in Cincinnati, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To repeal the act entitled "An act to incorporate the town of Marion, in the county of Marion," and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to incorporate the town of Marion," passed February twenty two, one thousand eight hundred and thirty, be and the same is hereby repealed; provided, that this act shall not affect the title of any person to any lot or lots in the burying ground adjoining said town; but the certificates of purchase heretofore given, by said corporation, shall continue to vest the title to said lots in the purchasers, the same as if this act had not been passed.

SEC. 2. That the remaining lots in said burying [ground] which have not been sold by said corporation, and all interests, and the supervision of said burying ground, shall vest in the trustees of Marion township, for the use of the public; and said trustees shall have power to sell such lots for such sums, and upon such terms as they shall think proper; and all moneys, arising from the sale of such lots, shall be paid into the township treasury, and held as a separate fund, applicable only to the improvement and extension of said burying ground.

SEC. 3. That the township clerk, of Marion township, be and he is hereby authorized to receive, from the recorder of said corporation, all records relating to the proceedings thereof, and said clerk shall carefully preserve the same in his office; he shall keep a record of the proceedings of said trustees, in relation to said burying ground, in a suitable and substantial book provided for that purpose, separate from the usual township business.

SEC. 4. That the trustees shall have power, and they are hereby required, annually, on the first Monday in March, to appoint some suitable person to serve as sexton for said burying ground, for the ensuing year, who shall be entitled to receive, for his services, such compensation as said trustees shall think right and proper, provided, that said trustees, for misconduct, or neglect of duty, may, at any time remove such sexton from his said office, and appoint any other suitable person to fill said office until the first Monday in March, following; and provided, also, that all expenses for services rendered, in digging or repairing graves, shall be paid by the person requiring such services to be performed.

SEC. 5. That, upon the sale of any lot or lots in said burying ground, the trustees shall cause a certificate of such sale to be given, by the township clerk, to the purchaser, and they shall cause the same to be recorded in the book provided for in the third section of this act. They shall have power to collect all money due the corporation on duplicates heretofore made out by order of the town council, or on lots heretofore sold by said corporation, and all other lawful claims which said corporation may hold; and all moneys remaining in the treasury of said corporation, after the completion of the public wells commenced by said corporation, and the settlement of subsisting claims against the same, and all moneys collected by said trustees, by virtue of this act, shall be paid into the township treasury, and belong to the fund provided for in the second section of this act.

SEC. 6. The mayor, recorder, and treasurer of said corporation shall meet the trustees of said township, on the first Monday of March next, at such place as the said trustees shall meet for settlement, and they shall then

and there render an account and exhibit, to the said trustees, of the receipts and expenditures of said corporation, the amount collected on duplicate, the amount received for lots in burying ground, when, and to whom, sold, the amount for show licenses, and by whom assessed, amount of fines, and by whom assessed, the amounts paid out, to whom, and for what services, and the amounts now due said corporation, and on what account the same is due; and they shall deliver the same to said trustees, together with all moneys which may remain in the treasury of said corporation; and in case of failure on the part of said mayor, recorder, and treasurer, to comply with this act, it shall be the duty of said trustees to bring suit against said officers, for the recovery of all such moneys, and other effects as are contemplated by this act to be given over to said trustees; which suit they are hereby authorized to bring by bill in chancery, and the court shall proceed to hear and determine the same as in other cases.

SEC. 7. The trustees shall cause a plat to be made of said burying ground, and it shall be the duty of the clerk to enter upon each lot marked thereon, the name of the owner thereof, and he shall enter the same upon the record provided for by this act. This act shall take effect and be in force from and after the third Monday in March next; provided that said trustees shall appoint the sexton to said burying ground, on the first Monday of March next.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN.
Speaker of the Senate.

February 9, 1842.

AN ACT

To incorporate the First Presbyterian Church and Society of Fulton, Hamilton county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Phineas B. Bueleff, Hugh Henry, James Hunt, Elias Stone and Gabriel Tichenor, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the First Presbyterian Church, of Fulton, Hamilton county, and, by that name, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, and residences of preachers," passed January third, anno domini, one thousand eight hundred and twenty five, and an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two, and with full power and authority to sell and convey any real estate now belonging, or that may belong, to said religious society, for the benefit of said church.

SEC. 2. That said corporators shall give ten days notice, by posting up written notices in three of the most public places in said township, of the time and place of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the Evangelical Protestant Congregation of Malaga township, in Monroe county, and state of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Henry Jacob Weber, Sr., Jacob Matz, Christian Winacke, Jacob Egger, Jacob Peter, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Evangelical Protestant Congregation, of Malaga township, in Monroe county, and state of Ohio, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places in the township of Malaga aforesaid.

SEC. 3. The private and individual property of the corporators shall be held responsible for the payment of the debts of said church, after the corporate property shall have been exhausted.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the German Lutheran Congregation, by the name of St. Thomas Congregation, in Madison township, Fairfield county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John G. Mack, William Krouse, Henry A. Martin and their associates and successors, be and they are hereby created a body politic and corporate by the name of the St. Thomas Congregation, in Madison township, Fairfield county; and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, an act

in relation to incorporated religious societies, passed March fifth, one thousand eight hundred and thirty six, and of an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds or residences for preachers, passed January third, one thousand eight hundred and thirty five, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The said corporators shall give at least ten days notice, by posting up notices in at least three of the most public places in Madison township, Fairfield county, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the First Congregational Church, of Dover, in the county of Cuyahoga.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Wells Porter, Calvin Phinney, Silvanus Crocker, Josiah Hurst, and Reuben Osborn, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of the First Congregational Church of Dover, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions contained in, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers, passed January third, one thousand eight hundred and twenty five, and of an act instituting proceeding against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The above named corporators, or a majority of them, shall give at least ten days notice of the time and place of holding the first meeting under this act, by posting up advertisements in three of the most public places in the township of Dover.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the Evangelical Lutheran Reformed and Presbyterian members of St. John's Church, in Alexander, Columbiana county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Sanor, Robert Lee, David King, their associates and successors, be and they are hereby created a body corporate and politic by the name of the Evangelical Lutheran Reformed and Presbyterian members of St. John's Church, in Alexander, Columbiana county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That the corporators, or a majority of them, shall give at least ten days notice of their first meeting under this act, by posting up written advertisements in three public places in the vicinity of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the First Presbyterian Church, of Trenton, in Delaware county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John McCutchen, Alvin P. Condit, Ira Pierson, Edgar M. Condit, Jonathan Condit, Silas Ogden, Daniel W. Ogden, Thomas Lewis, Lewis Ketcham, and their associates and successors, be and they hereby are created a body politic and corporate by the name of the First Presbyterian Church, of Trenton, in Delaware county, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies, passed March fifth, one thousand eight hundred and thirty six, and of an act passed March seventh, one thousand eight hundred and forty two, regulating corporations.

SEC. 2. That said corporators shall give at least ten days notice, by notices posted up in at least three of the most public places in Trenton, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the First Methodist Episcopal Church, of Ravenna, Portage county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Cyrus Prentiss, Samuel Foljumbe, Laurin Dewey, Dennis Sutliff, Ashbel Bostwick, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the First Methodist Episcopal Church, of Ravenna, Portage county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two."

SEC. 2. The corporators shall give ten days notice of their first meeting under this act, by posting up advertisements in three public places within the township of Ravenna.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the Tabernacle Church, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Joseph B. Wilson, James C. White, Jeremiah Faulkner, Charles Burrows, William Bellville, James S. Cross and their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the Tabernacle Church of Cincinnati, in the county of Hamilton, and, as such, shall be entitled to all rights and privileges granted by, and be subject to all the restrictions of, an act entitled "an act in relation to religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds or residences for preachers, passed January third, one thousand eight hundred and thirty five, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators may call a meeting by giving a written notice of the time and place of such meeting, by posting up the same on the door of their church at least ten days before the time of holding such meeting.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the Methodist Episcopal Church of Dresden, in Muskingum county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That William Burch, Thomas Shilling, Nathan Webb, Thomas B. Cresap and Jacob Wolf, their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Methodist Episcopal Church, of Dresden, in the county of Muskingum; and, as such, shall be entitled to all the rights, privileges, and immunities, and be subject to all the restrictions prescribed by the "act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and an act securing to religious societies perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and the act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That the trustees of said corporation shall have power to sell and convey inlot number ninety four, as designated in the town plat of the town of Dresden, when so directed, at a regular meeting, duly notified, of the members of said society; provided the avails of such sale shall be strictly applied to the use and purposes originally intended by the donors.

SEC. 3. That said corporation shall give ten days notice of their first meeting under this act, by posting up advertisements in three public places in said town.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To incorporate the Presbyterian Church, of Feesburg, Brown county, State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Andrew Early, John F. McKibben, Thomas J. Fee, John Moyer, and Joseph McKee, and their successors, be and they are hereby created a body corporate and politic, by the name of the Presbyterian Church, of Feesburg, Brown county, state of Ohio, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies perpetuity of title to lands and tenements in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, anno domini, one thousand eight hundred and twenty five, and of an act regulating corporations generally passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The corporators shall give ten days notice of their first meeting under this act, by advertisement in three public places in the town of Feesburg and vicinity.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

AN ACT

To establish the seat of justice of Lucas county.

Whereas, by a joint resolution of the General Assembly, commissioners were appointed to review and relocate the seat of justice of Lucas county; and, whereas, said commissioners did locate and establish said seat of justice at Maumee City, in said county; and, whereas, pursuant to stipulations entered into by sundry citizens of said Maumee City, public grounds have been appropriated, and a court house and offices, of the value of twelve thousand dollars, have been built by said citizens, as a donation, on condition that said seat of justice be permanently established at said Maumee City, and which have been accepted by the commissioners of said county; and, whereas, doubts have arisen as to the legality of the acts of said commissioners under the said resolution; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the seat of justice for the county of Lucas is hereby declared to be permanently located at Maumee City, in said county, where the court house now

stands, and at the place designated by the commissioners appointed by the Legislature, in anno domini, one thousand eight hundred and forty, to review and relocate said seat of justice.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 14, 1843.

AN ACT

To divorce Elizabeth Manville from her husband Eli Manville.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the marriage contract heretofore existing between Elizabeth Manville and her husband Eli Manville, be and the same is hereby dissolved.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

To divorce Isabella Cliffe from her husband Joseph S. Cliffe.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the marriage contract heretofore existing between Isabella Cliffe, and her husband Joseph S. Cliffe, be and the same is hereby dissolved.

SEC. 2. That all the rights, credits, moneys, effects and choses in action, whatsoever, either in her own right, or as cestui qui trust, of the said Joseph, which said Isabella now has in possession, or reversion shall be and the same are hereby secured to her, and the said Isabella shall have the right to prosecute and maintain in her own name any action or controversy which may be necessary for having, obtaining, and enjoying the same.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

To incorporate the New Orange Library Society of Cass, in Miami county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That David Ferguson, W. S. Barnes, Edward Marshall, Blackford Blue, and William Babb, and their asssociates and successors, are hereby made and constituted a body corporate and politic, by the name and style of the New Orange Library Society, of Cass, in Miami county, and, as such, shall have all the rights, privileges, and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine, and an act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

To incorporate the "Western Reserve Freewill Baptist Academical Society."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That S. B. Philbuck, Dan H. Miller, H. D. Johnson, Ransom Dunn, Edwin Jones, David Marks, Amos Perry, John Walters, R. R. Walters and Origen Miner, and their associates, and those who may hereafter be associated with them, are hereby made and constituted a body corporate and politic, by the name and style of the Western Reserve Freewill Baptist Academical Society, for the purpose of promoting and encouraging education, subject to the provisions of the act entitled "an act to regulate incorporated literary societies," passed March seventh, A. D., one thousand eight hundred and thirty nine.

SEC. 2. That if the managers of said institution shall receive blacks and mulattoes into the same, upon an equality with white persons, it shall work a forfeiture of all the powers hereby granted, without the intervention of judicial proceedings.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

To incorporate the Alexandria Literary Society, at Alexandria, in the county of Licking.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Rufus Tyler, O. S. Castle and Edward Munsell, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Alexandria Literary Society, and that they be entitled to all the privileges and immunities granted by, and subject to all the restrictions of the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine, and also of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

To authorize the County Commissioners of Vanwert county to levy an additional tax for road purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Vanwert county are hereby authorized to levy an additional tax on the grand levy of said county, not exceeding, in any one year, five mills on the dollar, for road purposes.

SEC. 2. Said sum, so assessed and collected, shall be expended on the roads in the township where the same is collected, under the direction of the trustees of said township; provided that nothing in this act contained shall prevent the payment of said tax in labor, at seventy five cents per day, under the direction of the supervisors of highways, in the appropriate road districts.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

For the appointment of one Trustee of Miami University.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Leonidas Hamline, of the county of Hamilton, be and he is hereby appointed a trustee of the Miami University, to fill the remainder of the unexpired term of Henry V. D. Johns, resigned.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

To authorize the county commissioners of Putnam county to levy an additional tax, for road purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners, of Putnam county, be and they are hereby authorized to levy an additional tax on the grand levy, of said county, not exceeding in any one year the sum of five mills on the dollar, for road purposes.

SEC. 2. That said sum so assessed, and collected, shall be expended upon the roads in the township where the same is collected, under the direction of the trustees of such township; provided, that nothing in this act contained shall prevent the payment of said tax in labor, at seventy cents per day, under the direction of the supervisors of highways, in the appropriate road districts.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

To authorize the County Commissioners of Henry county to levy an additional tax, for road and bridge purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That, the county commissioners of Henry county be and they are hereby authorized to levy an additional tax on the grand levy of said county, not exceeding, in any one year, the sum of five mills on the dollar, for road and bridge purposes.

SEC. 2. That said sum, so assessed and collected, shall be expended upon the roads in the townships where the same is collected, under the direction of the trustees of such township; provided, that nothing in this act contained shall prevent the payment of said tax in labor, at one dollar per day, under the direction of the supervisors of highways, in the appropriate road districts.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

To amend an act entitled "An act to amend an act entitled 'An act to incorporate the Toledo and Sandusky Railroad Company,'" passed Mach 16, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time for completing one half of said railroad, is hereby extended five years, and the time for completing the whole of said road be extended ten years, from and after the first day of April next.

SEC. 2. That the corporators shall be subject to all the liabilities and restrictions in an act regulating corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

To incorporate the First Baptist Church and Society, of Granger, Medina county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That William H. Straight, Whiting Freeman, Matthew Newton, Hoel Thatch, and Samuel Smith, and their associates and successors, be and they are hereby created a body corporate and politic by the name of the First Baptist Church and Society, of Granger, in said county, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and shall be subject to all restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and the act entitled "an act securing to religious societies a perpetuity of title to lands and tenements in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thou-

sand eight hundred and twenty five, and the act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The said corporators shall give ten days notice, by posting up written notices in three public places in said township aforesaid, of the time of holding their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 17, 1843.

AN ACT

To lay out and establish a graded State Road in the counties of Stark and Portage.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Francis Lewis, of the county of Portage, John Unkefer, of Stark county, and John Fulks, of the county of Columbiana, be and they are hereby appointed commissioners, and Jacob Moeler, of the county of Stark, surveyor, to lay out and establish a graded state road, commencing at New Franklin, in Stark county; thence north, by way of Mount Union; thence north, on the section line, to the town of Freedom; thence to Williamsport; thence north, by way of Lexington cross roads, at the east end of the village of Lexington; thence north, to the south end of the west line of Deerfield township; thence north, on the west line of Palmyra township, to the centre of the east and west road; thence to Fairport, on the canal, in Portage county.

SEC. 2. That this road shall in no case exceed a grade of five degrees.

SEC. 3. That the commissioners, and surveyor, as aforesaid, shall, in all respects, be governed by the laws in force, defining the manner of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 4. That should any vacancy occur in said board of commissioners, by death, removal, or otherwise, the commissioners of the county in which such vacancy, may happen, shall, on being notified thereof, fill the same as often as it may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To authorize the sale of fractional school section sixteen, in fractional township six, in the county of Wood.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixteen, in fractional township six, north, range number ten, east, in the county of Wood, be and the same is hereby authorized to be sold, and such sale shall be governed, in all things, by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, anno domini, one thousand eight hundred and forty three; provided, that in no case shall said lands be sold for a less sum than five dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To authorize the sale of the west half of section 20, township 18, range 20, lying in Richland county, belonging to Gilead township, in Marion county, for the use of schools, and also lands lying in Richland county, belonging to fractional townships, in Knox county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the west half of section twenty, in township eighteen, of range twenty, in Richland county, and belonging to Gilead township, in Marion county, and the northwest quarter of section twenty seven, township nineteen, range eighteen, and the northwest quarter of section thirty two of township nineteen, range nineteen, in Richland county, belonging to fractional township number eighteen, in range eighteen and nineteen, in Knox county, for the use of schools, be and the same is hereby authorized to be sold according to the provisions of an act entitled "an act to regulate the sale of ministerial and school lands and the surrender of permanent leases thereto," passed February second, A. D., one thousand eight hundred and forty three; provided said lands shall not be sold for less than five dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To authorize the sale of section No. 29, in townships Nos. 4, and 5, and 3d range, in Warren county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the original surveyed townships, numbers four and five, in the third range, between the Miami rivers, in Warren county, be and they are hereby authorized to sell, or cause to be sold, section number twenty nine, in said townships and range; and such sale shall be governed in all things, by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, anno domini, one thousand eight hundred and forty three.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the Jefferson Library Association, of the township of Jefferson, in the county of Ashtabula.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Elnathan G. Luce, Stephen McIntire, Rufus P. Ranney, Benjamin B. Gaylord, Amos C. Hubbard, Jonathan Warner, Jonathan Warner, junior, their associates and successors, be and the same are hereby created a body corporate and politic, by the name and style of the Jefferson Library Association, of the township of Jefferson, in the county of Ashtabula, and shall have all the rights, privileges, and powers, and subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, eighteen hundred and forty two.

SEC. 2. That the above incorporators, or any three of them, shall give ten days notice, by posting up written or printed advertisements in three of the most public places in said town, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the Beverly College, at Beverly.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be, and hereby is, established, at Beverly, in the county of Washington, a college, for the purpose of educating youth in the learned and foreign languages, the liberal arts, sciences and literature, the style and title of which shall be Beverly College, at Beverly, Ohio.

SEC. 2. The said college shall be under the management, direction and government, of a number of trustees not exceeding twenty one, or a quorum, or a board thereof, as hereafter mentioned.

SEC. 3. The first trustees of said college shall consist of the following persons, to wit: A. M. Bryan, L. R. Woods, John Cary, Milton Bird, J. P. Weethee, Lutellus Lindley, Wm. D. Barclay, J. W. Jenks, John Dodge, John W. Dana, Charles R. Barclay, John T. A. Henderson, A. B. Walker, William J. Merritt, Benjamin Leavell, Truxton Lyon, A. S. Robertson, F. G. Black, S. M. Aston, J. B. Bane and Thos. Axtell, which said trustees, and their successors to be elected as hereafter mentioned, shall be, and they are hereby created and established, and declared to be a body politic and corporate, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of Beverly College, at Beverly; by which name and title, the said trustees and their successors shall be able and capable at law, and in equity, to take to themselves and their successors, for the use of said college, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, money, or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, of any person or persons whatsoever; provided, the same do not exceed in the whole, the clear yearly value of five thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let, and to place out on interest, or otherwise dispose of, or invest, for the use of said college, in such a manner as to them, or at least a quorum of them, shall seem most beneficial to the institution; and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the proper use of said college, and by the same name to sue, commence, prosecute and defend, implead and be impleaded, in any courts of law, and equity, and in all manner of suits and actions whatsoever; and, generally, by and in the same name, to do and transact all and every business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic, or corporate, have power to manage their own concerns, and to hold, enjoy and exercise such powers, authorities and jurisdictions, as are customary in other colleges in this state.

SEC. 4. The said trustees shall cause to be made for their use a common seal, with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, diplomas, certificates and acts of said corporation shall pass and be authenticated, and the same seal at their pleasure, to break and alter, and devise a new one.

SEC. 5. There shall be a meeting of said trustees held once every year, at least, at Beverly, at such time as the said trustees or a quorum of them

shall appoint, of which meeting due and timely notice shall be given, and if less than a quorum attend at such meeting, those present shall have the power to adjourn to another day, but if five or more of the said trustees shall meet at the time appointed, or at any other time of adjournment, then such five or more shall be a quorum, and a majority of their votes shall be sufficient for transacting all business and concerns of the college, not otherwise provided for in this act, and particularly of making and enacting ordinances, not otherwise, for the government of said college; of filling vacancies in the board of trustees, of electing and appointing the president and professors in said college; of agreeing with them for their salaries, and stipends, and removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient; of appointing committees of their own body to carry into execution all and every the resolutions of the board; of appointing a president, secretary treasurer and other officers, whom they may find necessary for managing the corporation; of providing for the punishment or otherwise of such students as may be referred to them by the faculty, and shall determine all matters and things (although the same are not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined by said trustees, provided, that no ordinance or regulation shall be of any force which is repugnant to the constitution and laws of the United States or of this state.

Sec. 6. The head, or chief master of said college, shall be styled and called the president, and the masters thereof, shall be called professors.

Sec. 7. The president and professors, or a majority of them shall be called the faculty of the college, which faculty shall have power of enforcing the rules and regulations adopted by the trustees for the government of the students, by rewarding or censuring them, and, finally, by suspending or expelling such of them as after repeated admonitions shall continue disobedient or refractory.

Sec. 8. The faculty shall, by and with the approbation of a board of trustees, signified by their mandamus, have full power to grant such degrees in the liberal arts and sciences, to such students of the institution, or others, whom, by their proficiency in learning, or other meritorious distinction, they shall think entitled to them, as are usually granted and conferred in other colleges, and to grant to such graduates diplomas, or certificates, under their common seal, and signed by the faculty, to authenticate and perpetuate such graduation.

Sec. 9. The trustees, or a quorum of them, shall have power to make bylaws and ordinances for the government of the said board; provided, that no ordinance or law shall be of force, which shall be repugnant to the laws of the United States, or of this state.

Sec. 10. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to, or from, said corporation; provided, the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to, or from, said corporation.

Sec. 11. The board of trustees, of the college, shall be elected by the Pennsylvania Synod of the Cumberland Presbyterian Church, and in the following manner, to wit: seven members to continue one year, seven to

continue two years, and seven for three years, all subject, however, to re-election, said election to be held on the first Monday of May, annually.

SEC. 12. The legislature reserves the right to revoke, alter, or annul the charter hereby granted, at any time they may think proper.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the Trumbull Mutual Fire Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Simon Perkins, Frederick Kinsman, Asael Adams, Leicester King, John Crowell, George Hapgood, George Parsons, David Tod, Charles Smith, Henry W. Smith, Matthew Birchard, Edward Spear, Charles White, and their associates, being owners of buildings, shall be a corporation under the name of the Trumbull Mutual Fire Insurance Company, and enjoy all the privileges and powers incident to such corporation, for thirty five years, from and after the passing of this act.

SEC. 2. That for the well ordering and governing of the affairs of said corporation, they shall have power to choose a president, treasurer, directors, and secretary, to manage the concerns of said corporation, and such other officers as they may deem necessary, provided, nevertheless, that no policy of insurance shall be made by said corporation, until the sum, subscribed by the associates to be insured, shall amount to one hundred thousand dollars; and, at all meetings of said corporation, every matter shall be decided by a majority of votes, each member having as many votes as he has policies, with the right of voting by proxy.

SEC. 3. That the said corporation may, as soon as the said one hundred thousand dollars shall be subscribed to be insured, and they are hereby authorized to insure, for the term of from one to seven years, any mansion house or other building, within the county of Trumbull, against damage arising to the same by fire originating in any cause except that of design in the insured, and to any amount not exceeding three fourths of the value of any building; and in case any member shall sustain damage by fire, over and above the then existing funds of the said corporation, the directors may assess such further sum or sums upon each member as may be in proportion to the sum by him insured, and the rate of hazard originally agreed upon; provided, nevertheless, that no member, during the term of seven years, shall be held to pay, by way of assessment, more than two dollars for each dollar by him advanced as premium and deposit.

SEC. 4. That the money, advanced by each person insured, shall, within sixty days of such advancement, be vested in the stock of some corporate bank, or notes and bonds secured by mortgage, at the discretion of the

president and directors; and the proceeds of the same shall be appropriated and applied to pay the damages or loss that any member shall sustain by fire, and to defray the expenses of the corporation; and each of the insured shall, at the expiration of his policy or policies, have a right to demand and receive, from the corporation, his share of the remaining fund, in proportion to the sum or sums by him actually paid.

Sec. 5. That when any member of said corporation, so insured, shall sustain any loss, for which the same corporation shall be held to indemnify him, and he shall recover judgment therefor against it, he shall have a right to levy his execution, issued on such judgment, on any of the funds of the said corporation; and when he shall not find sufficient funds of the said corporation to satisfy the same, and all costs thereon, and if the said directors shall neglect or refuse, for the space of thirty days from the rendition of such judgment, to make an assessment, agreeably to the principles herein expressed, and deliver the same to the treasurer of said corporation, and direct him to collect the same in such manner as the said corporation may point out, to satisfy such execution, as far as the said funds and assessments may extend, then, and in that case, it shall be lawful for such judgment creditor to levy or extend his said execution on the private property of any of the said directors, to the amount of the damage and costs he shall be entitled to recover and receive on such execution; and any director whose estate, real or personal, shall be so taken, may recover compensation therefor by an action on the case, against the said corporation.

Sec. 6. That whenever any person shall sustain any loss of property by fire, so insured, he shall, within sixty days next after giving notice of the same to such of the directors as shall be agreed upon by the corporation for that purpose, whose duty it shall be, immediately to view where the fire happened, and to inquire into the circumstances attending the same, and determine, in writing, under their hands, the amount, (if any,) of the said corporation's liability for such loss; and, if the sufferer shall not acquiesce in their determination, he or she, within thirty days next after such determination be made known by said directors, may bring an action at law against said corporation for such loss, before any court of competent jurisdiction within said county of Trumbull; and in case the sufferer shall not, by verdict of a jury, recover more than the damage determined on by the directors as aforesaid, the plaintiff in such action, shall have judgment upon the verdict, but the corporation shall recover their costs, and execution shall issue for the balance in favor of the party entitled to recover it.

Sec. 7. That so soon as the amount of the corporation's liability shall be ascertained, in either of the ways mentioned in this act, (and the fund on hand not being sufficient,) the directors shall make an assessment upon the members of the said corporation, agreeably to the principles of this act, and deliver the same to the treasurer of the said corporation to collect; and the said corporation shall have power to make such bylaws, rules, and regulations, for the due management of the concerns thereof, as may be thought proper, not repugnant to the constitution and laws of the state of Ohio.

Sec. 8. That any two of the persons herein named, are hereby authorized to call a meeting of the members of said corporation, at such time and place as they shall think fit, by advertising the same in the newspapers

printed at Warren, in said county of Trumbull, fourteen days at least, previous to said meeting.

SEC. 9. That the said corporation be and the same is hereby authorized to insure household furniture, and any other goods, wares, and merchandize, contained in any dwellinghouse, store, or other building, within the county of Trumbull, against damage arising to the same by fire, upon the like terms and conditions, and under the same limitations and restrictions, as are provided in the case of buildings in this act.

SEC. 10. That whenever the said corporation shall make insurance upon any mansion house, or other building, and including the household furniture, or other goods therein, (if insured,) the said mansion house, or other building insured, together with the land under the same, shall be held by the said corporation, as security for the sum of the deposit money, required to be paid or secured upon such insurance, together with such assessment, or assessments, as the member of the said corporation, thus insured shall be liable to pay, pursuant to the provisions of this act; and the policy of insurance to any member, upon his mansion house, or other building, shall, of itself, from the time it issues, create a lien upon such mansion house, or other building, and the land under the same, to the amount of the sum of such deposit money; and any assessment, or assessments, which may be made upon the insured, as a member of said corporation, and the cost which may accrue in collecting the same, and said lien shall continue in force upon such mansion house, or other building, insured with the land under the same, for the security to said corporation, of the payment of said deposit money, and assessment, or assessments, upon the member so insured, with costs, until the said deposit money, with the sum or sums of said assessment, shall be paid, or otherwise satisfied or released by said corporation, notwithstanding any transfer or alienation thereof; provided, nevertheless, that nothing herein contained shall restrict said corporation from receiving any other security, in lieu of said lien, for said deposit and assessment, upon which their authorized agents and the insured may agree; and, provided also, that in all cases where the said corporation rely upon the security of the lien created by the policy, it shall be expressed in said policy, that the insurance is made upon the said mansion house, or other building insured, subject to the lien created by law.

SEC. 11. That if any member of said corporation, who shall obtain insurance of his mansion house, or other building, subject to the lien aforesaid, or in case of his decease, his legal representatives shall neglect, for the space of thirty days next after demand made, by the authorized agent, or agents, of said corporation, (which demand may be in such manner as said corporation shall, in their bylaws, direct,) to pay the sum of the deposit money upon the insurance of his dwellinghouse, or other building, for any assessment, or assessments, made upon him as a member of said corporation, pursuant to the provisions of this act, he shall be liable to the suit of the corporation therefor, in an action on the case, in any court of competent jurisdiction; and the said corporation, having obtained judgment and execution, for the amount of such deposit money, assessment, or assessments, may, at their election, cause the said execution to be levied upon the said mansion house, or other building insured, with the land under the same; and the officer, having said execution, shall proceed to advertise and sell the same, in the same manner as he would do in ordinary cases, under the gen-

eral laws of the state; and the excess of money, if any shall arise in any sale as aforesaid, beyond satisfying the debts, costs, and necessary intervening charges, shall be returned by the officer to the debtor in execution, or in case of an alienation by him, as aforesaid, to the owner thereof, at the time of the levy of said execution.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To amend the act entitled "An act to erect the county of Summit," passed March 3, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all final process hereafter to be issued upon judgments at law, or decrees in chancery, from the courts of record of the counties of Portage, Stark and Medina, against persons residing in the county of Summit, shall be directed to the sheriff or coroner of said county of Summit; any thing in the act to which this is an amendment, to the contrary notwithstanding.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To authorize the County Commissioners of Sandusky county to levy an additional tax for county purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Sandusky county, be and they are hereby authorized to levy an additional tax on the grand levy of said county, not exceeding, in any one year, the sum of three mills on the dollar, for county purposes.

SEC. 2. That the sum so assessed and collected, shall be expended in the payment of the current expenses of the county, and in the redemption of orders drawn on the treasurer of said county.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To authorize the Governor to make a deed for one hundred and two acres of land, to Frederick Benner.

Whereas, a certain Frederick Benner, of Hancock county, employed a certain Peter George, to enter the west half of the southwest quarter of section number eighteen, in township number one, south, of range number twelve, in Hancock county, containing one hundred and two acres and sixteen hundredths of an acre of land; and, whereas, the said Peter George, as appears by his affidavit, did enter, at the State Land Office, kept at Tiffin, on or about the eighth day of June, A. D., one thousand eight hundred and thirty one, said tract of land in the name of John Benner, instead of that of the said Frederick Benner, through mistake; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor is hereby authorized to make a deed to Frederick Benner, of the county of Hancock, for the west half of the southwest quarter of section number eighteen, in township number one, south, of range number twelve, containing one hundred and two acres and sixteen hundredths of an acre of land, more or less, lying and being in the county of Hancock, provided, upon examination, the governor is satisfied that said Frederick Benner is entitled to said deed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To authorize the Marshal of the city of Columbus to sell delinquent lots in said city.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the marshal of the city of Columbus is hereby authorized, after having given four weeks' notice in some newspaper of general circulation in said city, to proceed to sell all delinquent lots which were advertised to be sold according to law, on the last Monday in December, one thousand eight hundred and forty two; and that, in the sale of said lots, he be governed by the same restrictions and regulations as if the sale had taken place on the day above specified.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To lay out and establish a State Road, in the counties of Athens and Hocking.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joseph J. Robbins and J. K. Will, of Athens county, and Thomas O'Neal, of Hocking county, be and they are hereby appointed commissioners, and Henry Westenhaver, of Hocking county, surveyor, to lay out and establish a graded state road, commencing at Nelsonville, in Athens county, and crossing the Hockhocking at or near Robbins' mill; thence the nearest and best route to McArthurstown, in Athens county; provided said road shall nowhere exceed five degrees from a horizontal plane.

SEC. 2. That the commissioners of the county in which any vacancy may occur by death, resignation or otherwise, are hereby required to fill the same.

SEC. 3. The said commissioners shall be governed by the laws now in force relating to laying out and establishing state roads.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

For the relief of Martha Ann Lee.

Whereas, it is represented to this General Assembly, that William Lankton, an illegitimate son of Martha Roe, late Martha Lee, now deceased, has died intestate, and leaving no legal heirs, or nearer relative than Martha Ann Lee, a half sister, or daughter of his mother, by her lawful husband William Lee, whereby doubts have arisen whether the property and estate of the said William Lankton, have descended to the said Martha Ann Lee, or have escheated to the state of Ohio; now therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all the right, title, and interest in, and to, the property and estate, real and personal, of the said William Lankton, which this state has derived by escheat from said William Lankton, be and the same is hereby vested in the said Martha Ann Lee.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To vacate the outlots in tract No. 3, in the reservation of two miles square, at the foot of the Rapids of the Sandusky River.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That outlots numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, in tract number three, in the reservation of two miles square, at the foot of the rapids of Sandusky river, in Sandusky county, be and the same are hereby vacated, and all streets and alleys between said outlots shall belong to, and become a part of, the same.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To lay out and establish a State Road in the counties of Stark and Tuscarawas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That George Richardson and Jacob Klinker, of Tuscarawas county, and Theophilus Pherson, of Stark county, be and they are hereby appointed commissioners, and Michael Stump, surveyor, to lay out and establish a state road to commence at Massillon, Stark county; thence, the nearest and best route to Milton, in Stark county; thence, along the state road leading from Wooster to New Philadelphia, to the line dividing the lands of James Allen and William Agler; thence, the nearest and best route, to Lewis' meeting house, in Tuscarawas county; thence, the nearest and best route, to Shanesville, in said county.

SEC. 2. That the commissioners aforesaid shall be governed, in all respects, by the laws now in force establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the acts amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. Should a vacancy happen in any of the aforesaid commissioners, by death, removal, or otherwise, the commissioners of the county, in which such vacancy may happen, shall, on being notified thereof, fill the same as often as it may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To lay out and establish a Graded State Road from Palmyra, Knox county, to Mansfield, in Richland county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be surveyed, and established, a state road, to be graded five degrees, or under, from Palmyra, in Knox county, to Mansfield, in the county of Richland; and that George Ankeny, of Knox county, Benjamin Jackson, and John Swanner, of Richland county, be the commissioners, and Christian Wise, of said county, surveyor, thereon, in doing which they shall be governed by the existing laws, for laying out and establishing state roads; and all vacancies shall be filled as in other cases, by the commissioners of the counties aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To lay out and establish a State Road, from Nelsonville, in the county of Athens, to Thomas O'Neal's, in Hocking county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joseph J. Robbins and J. K. Will, of Athens county, and Thomas O'Neal, of Hocking county, be and they are hereby appointed commissioners, and Henry Westenhaver, of Hocking county, surveyor, to lay out and establish a graded state road, commencing at Nelsonville, in the county of Athens, and thence the nearest and best route, so as to intersect the state road leading from Athens to Chillicothe, at or near the premises of Thomas O'Neal, in the county of Hocking; provided said road shall nowhere exceed an angle of five degrees from a horizontal plane.

SEC. 2. That the commissioners of the county in which any vacancies may occur by death, resignation, or otherwise, are hereby required to fill the same.

SEC. 3. That the said commissioners shall be governed by the laws in force, relating to laying out and establishing state roads.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To lay out and establish a State Road in the counties of Belmont and Jefferson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That David Humphrey and James Clemens, of Jefferson county, and Jesse Barton, of Belmont county, be and they are hereby appointed commissioners, and Joseph Kithcart, of Jefferson county, surveyor, to lay out and establish a graded state road, commencing at Henry Well's smith shop, in Belmont county; from thence to intersect the state road leading from Warrentown to Mount Pleasant, in Jefferson county; provided said road shall not exceed five degrees from a horizontal plane.

SEC. 2. That the commissioners of the county, in which any vacancy may occur, by death, resignation or otherwise, are hereby required to fill the same.

SEC. 3. That said commissioners shall be governed by the laws now in force relating to laying out and establishing state roads.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the Lewistown Fire Engine and Hose Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Stephen Howell, Russell Green, Thomas McClenand, Willouby C. Morgan, Zechariah Jones, Hiram Gudgeon, Francis Drake, John Webster, Wm. Lewis, and their associates, be and they are hereby created and declared a body corporate and politic, by the name of the Lewistown Fire Engine and Hose Company, of the town of Fulton, with succession for twenty years; and, as such, shall be capable, in law, of sueing and being sued, pleading and being impleaded, in any action or suit, in any court having competent jurisdiction; they shall have power to hold and possess property, whether real or otherwise, to the amount of five thousand dollars, and no more; and shall be competent to contract and be contracted with, to enact bylaws, and to adopt such regulations as may be deemed proper for the good order of said company; provided such bylaws and regulations are not contrary to the laws of this state, or of the United States.

SEC. 2. The officers of said company shall consist of a president, secretary, treasurer, standing committee of five members, and twelve directors, who shall be elected by ballot, on the first Monday of April in each year, and shall hold their offices until their successors are chosen; *provided*, that a failure to make an election, on the day herein appointed, shall not work a forfeiture of the privileges of the corporation; but, in case of such failure from any cause, the company shall have power to appoint such other day for an election, as they may think fit.

SEC. 3. That said company shall have power to use a common seal, which they may alter, break, or renew at pleasure.

SEC. 4. This act shall be taken, received, and construed as a public act, and shall take effect from and after its passage; provided, that nothing herein contained shall be so construed as to grant to said company the privilege of banking, or to prevent the legislature of this state from amending, altering, or abolishing this act, whenever they may think proper; and it is provided further, that the members of said company shall be individually liable for all debts contracted by the same.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the Ohio Fire Engine and Hose Company of the town of Fulton.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Thomas Tuttle, George Scouse, Hartshorn Filmore, Ezekiel Lockwood, James Angar, William Naylor, Hamlet Annis, Richard Jackson, William Anderson, William McDaniel and their associates and successors, be and are hereby created a body corporate and politic by the name of the Ohio Fire Engine and Hose Company, of the town of Fulton, with succession for thirty years; and, as such, shall be capable in law of sueing and being sued, pleading and being impleaded in any action or suit in any court having competent jurisdiction; they shall have power to hold and possess property whether real or otherwise, to the amount of five thousand dollars and no more, and shall be competent to contract and to be contracted with, to enact bylaws and to adopt such regulations as may be deemed proper for the good order of said company; provided, such bylaws and regulations are not contrary to the laws of this state or of the United States.

SEC. 2. The officers of said company shall consist of a president, secretary, treasurer, standing committee of five members and twelve directors, who shall be elected by ballot on the first Monday of April, in each year, and shall hold their offices until their successors are chosen; provided, that a failure to make an election on the day herein appointed, shall not work a forfeiture of the privileges of the corporation, but in case of such failure from any cause, the company shall have power to appoint such other day for an election as they may think fit.

SEC. 3. That said company shall have power to use a common seal, which they may break, alter or renew at pleasure.

SEC. 4. This act shall be taken, received and construed as a public act, and shall take effect from and after its passage; provided, that nothing herein contained shall be so construed as to grant to said company the privi-

lege of banking, or to prevent the legislature of this state from amending, altering or abolishing this act whenever they may think proper; and it is provided further, that the members of said company shall be individually liable for all debts contracted by the same.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To repeal an act entitled "An act to incorporate a company to construct a Turnpike Road, from Columbus to Sandusky City," passed January 31, 1826.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to incorporate a company to construct a turnpike road from Columbus to Sandusky City," passed January thirty first, one thousand eight hundred and twenty six, be and the same is hereby repealed; and that it shall not be lawful hereafter for the company, incorporated by said act, in any manner, or under any pretence whatever, to erect or keep up any gate, or gates, across the line of said road, or to collect any tolls thereon, from any person or persons whatsoever.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To repeal the act incorporating the town of Jackson, in the county of Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act passed March fifth, one thousand eight hundred and forty two, to incorporate the town of Jackson, in the county of Jackson, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the Mount Hope Methodist Episcopal Church, of Salt Creek township, Holmes county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That James McCurdy, Moses A. Robinet, Enos B. King, Joseph Morris, Henry Hess, Philip Bysel, David Casebeer, John McCurdy, L. D. Fowler, David Dunmire, and their associates and successors, be and they are hereby created a body corporate and politic by the name of the Mount Hope Methodist Episcopal Church, of Salt Creek township, Holmes county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled, "an act securing to religious societies a perpetuity of title to lands and tenements in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally, passed March seven, eighteen hundred and forty two.

SEC. 2. The incorporators shall give ten days notice of their first meeting under this act, by posting up advertisements in three public places within said township of Salt Creek.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN.
Speaker of the Senate.

February 28, 1843.

AN ACT

To amend the act to incorporate the Zanesville and Maysville Turnpike Road Company, and also to amend an act to incorporate the Milford and Chillicothe Turnpike Road Company, and to regulate the collection of toll on said road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following shall be the rates of toll, for each ten miles of said above recited road, chargable in like proportion on all persons who may travel the same for the actual distance they may travel thereon, to wit:

For every four wheeled wagon, carriage, or vehicle, drawn by one horse, or other animal, twelve and a half cents;

For every four wheeled wagon, carriage, or vehicle, drawn by two horses, or other animals, twenty five cents;

For every horse, or other animal in addition, six and one fourth cents;

For every cart, chaise, or other two wheeled carriage or vehicle, drawn by one horse, or other animal, twelve and a half cents;

For every horse, or other animal in addition, six and one fourth cents;

For every sled, or sleigh, drawn by one horse, or other animal, twelve and one half cents;

For every horse, or other animal, in addition, six and one fourth cents;

For every coach, buggy, or other four wheeled pleasure carriage, drawn by one horse, or other animal, twelve and a half cents;

For every horse, or other animal, in addition thereto, twelve and a half cents;

For every four wheeled mail, or accommodation coach, drawn by two horses, or other animals, twenty five cents;

For every horse, or other animal, in addition, six and one fourth cents;

For every horse and rider, six and one fourth cents;

For every horse, mule, or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old and upwards, one cent;

For every head of hogs and sheep, one half cent; provided, that all persons going to and returning from public worship, militia musters, or funerals, and all wagons, or vehicles, employed and used exclusively for transporting stone, brick, timber, boards and other materials, for the building of school houses and churches, or places of public worship, shall pass free of toll.

SEC. 2. That the said turnpike companies are hereby authorized to demand and receive toll for any portion of road completed less than ten continuous miles in length, in the same proportion to the distance as is provided for in the first section of this act.

SEC. 3. That so much of the act incorporating the Zanesville and Maysville Turnpike Road Company, passed March seventh, one thousand eight hundred and thirty six, and so much of the act incorporating the Milford and Chillicothe Turnpike Company, passed February eleventh, one thousand eight hundred and thirty two, and so much of the act entitled "an act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, as conflicts with the provisions of this act, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the First Regular Baptist Church, of Twinsburg, in the county of Summit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Charles A. Turner, Calvin Read, Rufus Phipps, Wm. Maxam, Charles West, Staughton Hammond, Seth Hanchet and Junia North, and their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Regular Baptist Church of Twinsburg, and, as such, shall be entitled to all the rights, privileges and immunities, and be

subject to all the restrictions, prescribed by an act in relation to incorporated religious societies," passed March the fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally, passed March seven, one thousand eight hundred and forty two.

SEC. 2. That the first meeting under this act may be convened on ten days notice, by a majority of the corporators aforenamed, posted at three public places in the vicinity of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the First Congregational Society of Rochester, in the county of Lorain.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Benjamin C. Perkins, Nathan W. Fay, John Conant, George Smith, and their associates and successors, be and they are hereby created a body corporate and politic by the name of the First Congregational Society of Rochester, in the county of Lorain, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally, passed March seven, one thousand eight hundred and forty two.

SEC. 2. That the incorporators shall give at least ten days notice of their first meeting under this act, by posting up advertisements in three of the most public places within the township of Rochester.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the First Freewill Baptist Church, in Spencer, Medina county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob H. Welzher, David Freeman, David E. Bisset, Nelson Stedman, Josiah Turner, and their associates and successors, be and they are hereby created a body corporate and politic with perpetual succession, by the name and style of the First Freewill Baptist Church, of Spencer, and, by that name, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seven, one thousand eight hundred and forty two, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, anno domini, one thousand eight hundred and twenty five, and with full power, and authority, to sell and convey any real estate now belonging to said religious society for the benefit of said church.

SEC. 2. That said corporators shall give ten days notice, by posting up written notices in three of the most public places in said township, of the the time and place of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the Methodist Episcopal Church at Rushville, Fairfield county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Stoker, Sr., Jacob Sane, William Coulson, David Wilson, David Colwell, Nathaniel B. Coulson, Zebulon Holladay, Gilbert McFadden, and their associates, and those who may be hereafter associated with them, be and they are hereby created a body politic and corporate, by the name of the Methodist Episcopal Church of Rushville, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and tweny five, and of an act instituting proceedings against corporations not possessing banking powers, and the visitorial pow-

ers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The trustees of said church shall be appointed by the quarterly conference, of the Rushville circuit, of the Methodist Episcopal Church, in the manner pointed out by the discipline of the Methodist Episcopal Church; and said trustees shall be answerable to, and removable by, said quarterly conference, and any vacancies occurring in any way in the board of trustees, the same shall be filled, by the said quarterly conference, pursuant to the discipline of said church.

SEC. 3. That the first meeting under this act may be convened on ten days notice, by a majority of the corporators aforesaid, posted at three public places in the vicinity of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the Wardens and Vestry of the Parish of St. Mark's Church, in the township of Newton, county of Trumbull.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Henry A. Dubois, Frederick L. Kidder, Augustus Stevens, U. D. Kellogg, their associates and successors, be and they are hereby created a body corporate and politic with perpetual succession by the name and style of the Wardens and Vestry of the Parish of St. Mark's Church, of Newton, in the county of Trumbull, and, by that name, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers, passed January third, one thousand eight hundred and twenty five, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To incorporate the First Universalist Church, of Delhi township, in the county of Hamilton.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Ephraim D. Williams, George Cullum, Sen., Edwin Mayhew, and their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the First Universalist Church, of Delhi township, in the county of Hamilton, and, as such, shall be entitled to all the rights, privileges and immunities granted, and subject to all the restrictions imposed, by an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, also the act passed January third, one thousand eight hundred and twenty five, and of an act passed March seventh, one thousand eight hundred and forty two, instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally.

SEC. 2. That the said society shall give ten days notice by posting up advertisements in three of the most public places in their neighborhood, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To enable Jonathan Caywood and Walter Athy, to surrender their leases to certain school lands.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Jonathan Caywood and Walter Athy, are hereby authorized and permitted to surrender any permanent leases they may hold, to any part of section numbered eight, in township numbered three, of range numbered eight, in Washington county, being land granted by congress for school purposes to said township, numbered three, in lieu of section sixteen, according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, A. D., one thousand eight hundred and forty three.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To amend an act entitled "An act to authorize the sale of school section No. 16, in Union township, Putnam county," passed March 7th, 1842.

Whereas, the said act provides for two votes being taken for the sale of the same, one before the appraisal, and one after, before the same can be sold; and, whereas, the first vote was taken at the annual October or state election, in the year 1842, instead of the annual spring or township election; and, whereas, the third section of the act to which this is an amendment, provides for a credit of eight years, by the purchaser paying eight per centum of the principal and interest annually, within the eight years, would only amount to sixty four per centum of the purchase money; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the vote taken in Union township, Putnam county, for the sale of school section No. sixteen, in said township, which was taken at the October election, one thousand eight hundred and forty two, shall be as valid as if the same had been taken at the annual spring or township election.

SEC. 2. That the said school section, shall be sold in the manner as is provided in said act to which this is an amendment, and the purchaser or purchasers, shall have a credit of eight years, by paying twelve and a half per centum of the principal and interest annually.

SEC. 3. That so much of the act to which this is an amendment as shall conflict with this act, is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

For the sale of school section sixteen, in Big Lick township, Hancock county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixteen, in township one, north, of range twelve, in Hancock county, be and the same is hereby authorized to be sold, according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three; provided that said land shall not be sold for less than five dollars per acre, nor less than the appraised value thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the St. Aloysius Orphan Society, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Henry Ronnebaum, Michael Leib, Fred. Jos. Josiger, John D. Dudke and Jos. Kleine, their associates and successors, be and they are hereby constituted and made a body politic and corporate, with perpetual succession, under the name of the "St. Aloysius Orphan Society of Cincinnati."

SEC. 2. That said society, in their corporate capacity, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all courts having competent jurisdiction, and may have a common seal, and the same alter and renew at pleasure.

SEC. 3. That said corporation shall be capable of receiving, acquiring, and holding, either by gift, grant, devise, purchase or lease, will and testament, or by any other legal means, any estate, real, personal or mixed, and may sell, dispose of, and convey the same.

SEC. 4. That said corporation shall have power to make and enforce all necessary bylaws and ordinances for the government of said society, and management of the affairs thereof, not repugnant to the laws of the United States, nor of the state of Ohio.

SEC. 5. That the trustees of the township of Cincinnati, under the direction of the board of trustees of said society, shall have power to bind out all orphan children, received into said asylum, upon such terms and for such period of time, until the age of majority, as the said trustees of said township and trustees of said society shall agree to be proper; and the orphans thus bound out shall be subject to the laws of the state respecting apprentices.

SEC. 6. The funds and property of said society shall be appropriated to no uses and purposes whatever, other than the support and education of destitute male orphans; and the legislature shall, at all times, have power to alter, amend, or repeal this act, not thereby affecting rights acquired therefrom, or the right of property of the individual members thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To extend and amend the act entitled "An act to authorize the sale of school section No. 16, in township number 3, in the United States reserve of twelve miles square, at the foot of the rapids of the Miami of Lake Erie, in the county of Lucas."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the trustees and clerk of township number three, in the United States reserve, at the foot of the rapids of the Miami of Lake Erie, in Lucas county, to provide a poll book for the use of the inhabitants of said township, in which shall be registered and returned, on the first

Monday of April next, the vote of the said electors of said township, which may be given in reference to the sale of section sixteen in said township; provided, a majority of the electors of said township, shall have indorsed on their votes or ballots these words: "sale of section sixteen," pursuant to the law relating to that subject; provided further, that if for any cause an election shall not be held at the time herein specified, James H. Forsyth, of Maumee City, may proceed to take the vote of the inhabitants of said original surveyed township, at any time within twelve months after the passage of this act, and make return thereof to the auditor of said county of Lucas, upon which return, if a majority be found in favor of a sale, the proceedings herein provided for, shall be had in the same manner as though an election had been held.

SEC. 2. In consequence of the county commissioners of Lucas county, having, under a lease, erected a county poor house, and made other improvements upon certain portions of said section, they are hereby authorized to take the west half of the northeast quarter and the east half of the northwest quarter, or less of either, or both, of the above half quarters, as they may think the interest of the county may require, at the appraised value thereof, exclusive of improvements.

SEC. 3. That so much of the act to which this is an amendment, as shall conflict with this act, is hereby repealed; and so much of said act as does not conflict with this act, is hereby revived and continued.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To change the title of an act entitled "An act to incorporate the First Presbyterian Church, of Piqua, in the county of Miami," passed February 26, 1842.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the title of an act entitled "an act to incorporate the First Presbyterian Church, of Piqua, in the county of Miami," passed February twenty sixth, one thousand eight hundred and forty two, shall hereafter be "an act to incorporate the Second Presbyterian Church, of Piqua, in the county of Miami," and that so much of said act as conflicts with this act, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the Cambrian Association, of Cincinnati, for the Diffusion of Useful Knowledge.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Daniel Evans, Hugh Humphreys, David Williams, William Lewis, Thomas D. Jones, Ambrose Ambrose, Thomas Lloyd Hughes, Ellis Parry, Edward Meredith, John Thomas, John G. Jones, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Cambrian Association, with succession for thirty years; and by their corporate name may sue and be sued, plead and be impleaded, in all courts of law and equity in this state and elsewhere; may have a common seal, and the same may alter at pleasure; shall be capable of holding personal property and real estate, by purchase, gift or devise, not exceeding ten thousand dollars in amount; and may sell, dispose of and convey the same; and they shall have power to form and ratify a constitution, to adopt bylaws for the government of said corporation, together with all powers necessary for the efficient management of its concerns.

SEC. 2. That said association shall be subject to all the provisions of the act entitled "an act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To lay out and establish a State Road in the counties of Vanwert and Mercer.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Jeremiah Hine and Asa Culver, of Vanwert county, and William B. Hedges, of Mercer county, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at the town of Willshire, in the county of Vanwert; thence, with the county road, to the southwest corner of Liberty township; thence, along the county line of said county, to the Granville road; thence, through section five, in Union township, in Mercer county; and thence, by the nearest and best route, to a point where the first lock is located, north of the deep cut, on the Miami Extension canal, in Mercer county.

SEC. 2. That the commissioners aforesaid shall be governed, in all respects, by the laws now in force defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. That should a vacancy occur in any of the foregoing appointments, by death, removal, or otherwise, the commissioners of the county, in which such vacancy may happen, shall, on being notified thereof, fill the same as often as such vacancy may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To amend an act entitled "An act to establish a Free Turnpike Road from Bellefontaine, in Logan county, to the Indiana State line."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jose H. Garwood, Raphael Moore and Samuel Scott, of Logan county, be and they are hereby appointed commissioners, to review and locate so much of the free turnpike from Bellefontaine, in Logan county, to the Indiana state line, as lies between the town of Bellefontaine, in Logan county, and the south line of Hardin county.

SEC. 2. Said commissioners shall have the same powers in relation to the location of said road, and in employing assistants, and making records and returns of the survey and location of said road, that were conferred by the act, to which this is an amendment, on the commissioners therein named.

SEC. 3. When the commissioners, herein appointed, shall have made and returned the location of said road to the auditor's office of the proper county, in the manner prescribed by the act to which this is an amendment, the powers of the commissioners, herein appointed, shall cease, and the commissioners appointed by the act to which this is an amendment, shall have no power to change, alter, or in any manner interfere with such location; and so much of said road, the location of which may be changed, in pursuance of this act, shall be constructed, preserved and repaired on said location, by the commissioners appointed by the act to which this is an amendment, and in the manner prescribed by said act.

SEC. 4. The commissioners, herein appointed, shall receive one dollar per day, for each day actually employed in the location of said road, which, with necessary incidental expenses, shall be paid out of the county treasury of the proper county, on the order of the county auditor.

SEC. 5. When any person shall consider him or herself aggrieved, by the location of any part of the road, established by the act to which this is an amendment, such person or persons, may prefer their complaints, in writing, to the commissioners of the proper county, who shall be governed, in their proceedings on such application, by the act entitled "an act for opening and regulating roads and highways."

SEC. 6. It is hereby declared to be the true intent and meaning of of the fourteenth section of the act to which this is an amendment, that

the commissioners therein appointed should be allowed their reasonable expenses, when engaged on the business of said road, and no more; and that the necessary expenses of location and superintendence shall be paid out of the funds appropriated by said act, to the construction, preservation and repair of said road.

SEC. 7. The commissioners herein appointed, shall enter upon the discharge of the duties required of them by this act, on or before the first day of May, one thousand eight hundred and forty three, and shall complete the same with as little delay as practicable.

SEC. 8. That so much of the act to which this is an amendment as conflicts with the provisions of this act, be and the same is hereby repealed.

SEC. 9. This act to take effect and be in force from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To lay out and establish a State Road, in the counties of Hancock and Hardin.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That H. W. McElroy, of Hardin county, Godfrey Wolford and J. W. Williams, of Hancock county, be and they are hereby appointed commissioners, to lay out and establish a state road commencing at Williamstown, in Hancock county; thence west until it crosses the bridge at John Rodabaughs; thence to intersect the county road, at or near Sidney Bairds, in Hardin county.

SEC. 2. That the commissioners aforesaid, shall be governed in all respects, by the laws now in force, defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. That should a vacancy occur in any of the foregoing appointments, by death, removal or otherwise, the commissioners of the county in which such vacancy may happen, shall, on being notified thereof, fill the same as often as it may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the Methodist Episcopal Church, of Newcomerstown, in Tuscarawas county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Aaron Shenck, Jacob Tufford, Daniel Anderson, John Flock, James McMahin, their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Methodist Episcopal Church, of Newcomerstown, in Tuscarawas county, and, as such, shall be entitled to all the rights, privileges and immunities, granted by, and subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, [conveyed] in trust, for meeting houses, burying grounds and residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places in said town.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the Franklin Fire Engine and Hose Company, No. 4, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Jacob Jacobs, William Humble, Daniel Conahan, their associates and successors, be and they are hereby created and declared a body corporate and politic, by the name of the Franklin Fire Engine and Hose Company, number four, and, as such, shall be capable in law of sueing and being sued, pleading and being impleaded in any action or suit, in any court having competent jurisdiction; they shall have power to hold and possess all property, whether real or otherwise, and shall be competent to contract and be contracted with, to enact bylaws, and to adopt such regulations as may be deemed proper for the good order of said company; provided, such bylaws and regulations are not contrary to the laws of this state or of the United States.

SEC. 2. The officers of said company shall consist of a president, vice president, secretary and treasurer, who shall be elected by ballot, on the second Monday of April in each year, and shall hold their offices until their successors are chosen; provided, that a failure to make an election on the

day herein appointed, shall not work a forfeiture of the privileges of the corporation, but in case of such failure from any cause, the officers shall have power to appoint such other day for an election, as they may think fit.

SEC. 3. That said company shall have power to use a common seal, which they may break, alter, or renew at pleasure.

SEC. 4. That this act shall be taken, received and construed as a public act, and shall take effect from and after its passage; provided, that nothing herein shall be so construed as to grant to said company the privilege of banking, or to prevent the legislature of this state from amending, altering or abolishing this act, whenever they may think proper.

SEC. 5. The corporators shall be entitled to all the rights, privileges and immunties granted by, and be subject to all the restrictions of the act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the German Lutheran Reformed Church, of Pomeroy, Meigs county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George Rasp, Wendal Kontz, Konrad Heilman, Abraham Joachim and William Wehe, trustees, their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the German Lutheran Reformed Church, of Pomeroy, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, in trust, for meeting houses, burying grounds or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of an act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The incorporators shall give ten days notice of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the First Universalist Church of Zanesville, in Muskingum county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Jeremiah Dare, Gerardus Wynkoop, Siracen Shirtliff, James Taylor, Jr., Lemuel Page, and their associates and successors, be and they are hereby created a body politic and corporate, with perpetual succession, by the name and style of the First Universalist Church, of Zanesville, in the county of Muskingum, and by that name shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of an act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two, and with full power and authority to sell and convey any real estate now belonging to said religious society, for the benefit of said church.

SEC. 2. That said corporation shall give twenty days notice by advertisement, in three of the most public places in said town of Zanesville, of the time and place of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the Trustees of the West Lebanon Methodist Episcopal Church, in the county of Wayne.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Benjamin Griffith, William Yates, John P. Digman, Elish Griffith, William S. Butt, John Poyser, Samuel Shull, and their associates, be and they are hereby created a body corporate and politic, by the name and style of the Trustees of the West Lebanon Methodist Episcopal Church, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, also an act entitled an "act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act in-

stituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That the first meeting under this act, may be convened on ten days notice by a majority of the corporators aforenamed, posted at three public places in the vicinity of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the First Congregational Church, of McConnelsville, in Morgan county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John B. Stone, Edwin Corner, L. G. Converse, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Congregational Church, of McConnelsville, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, also an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give ten days notice of the time and place of their first meeting under this act, by posting up advertisements at three of the most public places in said town.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the First Wesleyan Methodist Church, of Troy, in Miami county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Richard Brandriff, Wm. Barrett, Wm. C. Deputy, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the First Wesleyan Methodist Church, of Troy, in Miami county, and as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, anno domini, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The corporators shall give ten days notice of their first meeting under this act, by advertisement, in the said town of Troy, of the time and place of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the German Evangelical Lutheran Reformed Church, of Woodville, in Sandusky county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George Cronenwelt, minister, Gerhard Sielscot, Gerhard Rohtert, elders, John Klein, Frederick Sielscot, deacons, Peter Kerbel, Eberhard Meir, Bartholomew Hurrelbrink, trustees, their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the German Evangelical Lutheran Reformed Church, of Woodville, in Sandusky county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, in trust, for meeting houses, burying grounds, and residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts,

and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The corporators shall give ten days notice of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the Presbyterian Society of Celina, under the jurisdiction of the Judicatory, commonly styled New School.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That C. B. Mowry, Andrew Crocket, N. C. Mead and Ezra Hyatt, with their associates and successors in office, be and they are hereby created a body corporate and politic by the name and style of the Presbyterian Society of Celina, under the jurisdiction commonly called New School, and, as such, shall be entitled to all the rights, privileges and immunities, and be subject to all the restrictions prescribed by "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That at any regular meeting of said corporation, the acceptance by said corporation of lot number one hundred and forty nine, recorded in the original plat of Celina, as a donation to a presbyterian society, shall confirm to said corporation the title to said lot.

SEC. 3. That said corporation shall give ten days notice of their first meeting under this act, by posting up advertisements in three public places in said township.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the German Protestant Evangelical Congregation, of Columbus.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Louis Hoster, Nicholas Mourer, Otto Frankenburg, Peter Ambos, J. P. Bruck, Jacob Silbernagle, and their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the German Protestant Evangelical Congregation of Columbus, and, as such, shall be entitled to all the rights, privileges and immunities granted, and subject to all the restrictions imposed by, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and also of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally," passed March seventh, one thousand hundred and forty two.

SEC. 2. That said society shall give ten days notice by advertisement, in some newspaper printed in Columbus, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the Monroe Regular Baptist Church, of the town of Lucas, Richland county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That James Johnson, Peter Switzer, Cornelius Bartlow, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Monroe Regular Baptist Church, of the town of Lucas, Richland county, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and shall be subject to all the restrictions of an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators, or a majority of them, shall give at least ten days notice by posting up written or printed advertisements in three of the most public places in said town, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To incorporate the regular Baptist Church, in Haysville, in Richland county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Cox, Uriah Johnson, David Ciphers, Isaac Hoagland, John B. Johnson, James Connelly, John H. Cox, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Regular Baptist Church, in Haysville, in Richland county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators, or a majority of them, shall give at least ten days notice by posting up written or printed advertisements in three of the most public places in said town, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To erect the Risdon Common School District.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the southeast quarter of section thirty six, in Perry township, Wood county, the west half of section thirty one, in Jackson township, and the west half of the northwest quarter of section six, in Loudon township, Seneca county, and so much of the town plat of Risdon as is in the township of Washington, Hancock county, be and the same is hereby declared to be the Risdon Common School District, and, as such, shall be governed in all respects by the laws now in force for the better regulation of common schools.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the Miami Union Literary Society, of Miami University.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Thomas Haire, William B. Moore, Charles Barnes, E. G. Dial, John M. Wampler, S. B. Walker, S. W. Chalfant, Vesahus How, William Warder, O. M. Conover, and their associates and successors, are hereby constituted a body politic and corporate, by the name of the Miami Union Literary Society, of Miami University, and, as such, shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, anno domini, one thousand eight hundred and thirty nine, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To authorize the sale of school section number sixteen, in Union township, in the county of Hancock.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixteen, in township one, south, of range nine, being Union township, in the county of Hancock, be and the same is hereby authorized to be sold according to the provisions of an act entitled "an act to regulate the sale of ministerial and school lands and the surrender of permanent leases thereto," passed February second, A. D., one thousand eight hundred and forty three.

SEC. 2. Provided, that said lands shall not be sold for less than five dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To lay out and establish a State Road in the counties of Paulding and Vanwert.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That George H. Phillips and William K. Dagget, of Paulding county, and Joseph Gleason, of the county of Vanwert, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at Charloe, Paulding county; thence up the north side of Blue creek, to Jesse Ford's; thence on the nearest and best ground, to Robert Barnhill's; thence on the nearest and best route, to intersect the state road leading from the town of Vanwert, in Vanwert county, to Fort Wayne.

SEC. 2. That the commissioners, aforesaid, shall be governed in all respects, by the law now in force establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one.

SEC. 3. Should a vacancy occur in any of the foregoing appointments by death or otherwise, the county commissioners of Paulding county shall, forthwith, fill the same, on being notified thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the Lebanon Academy, in Warren county.

Whereas, Ephraim Hathaway, in his lifetime, donated to the town of Lebanon, in Warren county, a lot in said town, lying at the intersection of Broadway and Main streets, in Lebanon, bounded on the south by Main street, on the west by Broadway, on the north by the property of George Kesling, and on the east by the property formerly owned by George Lucky, and now occupied by William Schaeffer; and whereas, at the May term of the supreme court, for the year eighteen hundred and forty two, sitting in the county of Warren, the said court decreed that said lot was donated for the use of the town of Lebanon, to be used for no private purpose, but for any public use, for the citizens of the town of Lebanon; and whereas, the town council and citizens of the town of Lebanon have petitioned the Legislature for the incorporation of a company to erect an academy on said lot, and to improve the brick building now standing on said lot; therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Daniel Voorhes, George J. Smith, George Kesling, Benjamin Blackburn, and Robert Knox, and their associates and successors, be and they are hereby declared a body politic and corporate, with succession for thirty years, by the name of the Lebanon Academy, of Warren county, and, by that name, have power to sue and be sued in all courts, to receive by gift or purchase, and hold all such real or personal estate, in Lebanon, (not exceeding ten thousand dollars at any time,) as may be necessary or expedient for the establishment and maintenance of an academy for instruction in the various branches of education of males or females.

Sec. 2. That said trustees, and their successors, shall have full power to improve and enlarge the brick building now on the lot lying at the intersection of Main and Broadway streets, in Lebanon, bounded on the south by Main street, on the west by Broadway street, on the north by the property of George Kesling, and on the east by the property formerly owned by George Lucky, now occupied by William Schaeffer; and after the leases on the remainder of said lot shall have expired, the said trustees shall have full control and authority over the whole of the above described lot.

Sec. 3. That the shares in said academy shall be ten dollars each, and, as soon as two thousand dollars shall be subscribed, the said trustees shall call a meeting of said subscribers or stockholders, by giving, at least, ten days notice, in a newspaper, of the time and place of meeting, and thereupon said subscribers shall proceed to elect five trustees, to serve until the first Monday of the succeeding January, and thereafter all elections of trustees shall be holden the first Monday of the succeeding January, annually thereafter.

Sec. 4. That the room in said building now occupied as the office of the president of the corporation of said town, and now known as the town hall, shall continue to be used and occupied for the purposes of the town, as the trustees of said town shall prescribe; provided, however, if said trustees of said town shall provide any other place for the use of said town

AN ACT

To incorporate the First Universalist Church, of Delhi township, in the county of Hamilton.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Ephraim D. Williams, George Cullum, Sen., Edwin Mayhew, and their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the First Universalist Church, of Delhi township, in the county of Hamilton, and, as such, shall be entitled to all the rights, privileges and immunities granted, and subject to all the restrictions imposed, by an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, also the act passed January third, one thousand eight hundred and twenty five, and of an act passed March seventh, one thousand eight hundred and forty two, instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally.

SEC. 2. That the said society shall give ten days notice by posting up advertisements in three of the most public places in their neighborhood, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

AN ACT

To enable Jonathan Caywood and Walter Athy, to surrender their leases to certain school lands.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Jonathan Caywood and Walter Athy, are hereby authorized and permitted to surrender any permanent leases they may hold, to any part of section numbered eight, in township numbered three, of range numbered eight, in Washington county, being land granted by congress for school purposes to said township, numbered three, in lieu of section sixteen, according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, A. D., one thousand eight hundred and forty three.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

To amend an act entitled "An act to authorize the sale of school section No. 16, in Union township, Putnam county," passed March 7th, 1842.

Whereas, the said act provides for two votes being taken for the sale of the same, one before the appraisal, and one after, before the same can be sold; and, whereas, the first vote was taken at the annual October or state election, in the year 1842, instead of the annual spring or township election; and, whereas, the third section of the act to which this is an amendment, provides for a credit of eight years, by the purchaser paying eight per centum of the principal and interest annually, within the eight years, would only amount to sixty four per centum of the purchase money; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the vote taken in Union township, Putnam county, for the sale of school section No. sixteen, in said township, which was taken at the October election, one thousand eight hundred and forty two, shall be as valid as if the same had been taken at the annual spring or township election.

SEC. 2. That the said school section, shall be sold in the manner as is provided in said act to which this is an amendment, and the purchaser or purchasers, shall have a credit of eight years, by paying twelve and a half per centum of the principal and interest annually.

SEC. 3. That so much of the act to which this is an amendment as shall conflict with this act, is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

AN ACT

For the sale of school section sixteen, in Big Lick township, Hancock county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixteen, in township one, north, of range twelve, in Hancock county, be and the same is hereby authorized to be sold, according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three; provided that said land shall not be sold for less than five dollars per acre, nor less than the appraised value thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

as a town hall, the sole and exclusive control of said
be vested in the trustees of said academy.

SEC. 5. All the corporate concerns of said
by the board of trustees, three of whom shall b
tion of business, and such trustees shall have
laws and regulations as they may deem pro
school, its officers and servants, and for th
property and affairs.

SEC. 6. That said board of trustees
cies that may happen in their number
bers of the board, appointed to fill
nual election.

SEC. 7. That the commissior
take subscriptions of stock pay
and five years, and the trustee
for the enlarging, adding an
as they may deem most p
and females.

SEC. 8. That the tr
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x authorized to be levied by the
plicate of taxes for said county, col-
with the third section of said act of
ut hundred and forty one.
e of more effectually enforcing such ordin-
may hereafter be passed by the city council of
n accordance with the thirteenth section of the
ne jail of the county of Cuyahoga, is hereby declared
purposes named in said thirteenth section, co-extensive with
the said city of Cleveland.
That so much of the act incorporating said city of Cleveland,
is supposed to give, the town council the power to appoint an
of beef, pork, flour, fish, &c., be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To lay out and establish a graded State Road, in the counties of Coshocton and Tuscarawas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That James Ravenscraft, of the county of Coshocton, John Mizer and John Shank, of the county of Tuscarawas, be and they are hereby appointed commissioners, to lay out and establish a graded state road, commencing at Joseph Stoneheckers, in Coshocton county, on the road leading from Coshocton to New Bedford, and running from thence the nearest and best route, to William Boyd's mill in Coshocton county; thence the nearest and best route to intersect the Shanesville road, at or near George Gonter's, in Tuscarawas county.

SEC. 2. That this road shall in no case exceed a grade of five degrees.

the commissioners aforesand shall in all respects be gov-
n force, defining the mode of laying out and establish
d March fourteen, one thousand eight hundred and
mendatory thereto, passed March twentieth, one
d forty one.
vacancy occur in said board of commissioners,
e, the commissioners of the county in which
, on being notified thereof, fill the same as

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

AN ACT

To establish a free Turnpike Road from Sidney, in Shelby county, to Waupaukonnetta, in Allen county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That James A. Wells and Richard Botkin, of Shelby county, and Jeremiah Ayres, of Allen county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road from the town of Sidney, in Shelby county, to Waupaukonnetta, in Allen county, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act. They shall keep a record of their proceedings, and a majority shall be a quorum, and shall be competent to exercise any of the powers herein granted.

SEC. 3. The commissioners shall meet in the town of Sidney, in the county of Shelby, on the second Monday of April, one thousand eight hundred and forty three, or at any time within one month thereafter, and organize by choosing one of their number president of said board; and they shall then take measures to view, locate and establish said road, and of all such locations they shall cause true copies to be filed in the auditor's office of the proper county.

SEC. 4. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and at such places as will render the road most available for travel and transportation; they shall also have power to purchase and procure all necessary implements and fixtures to construct said road and preserve the same in repair.

SEC. 5. The taxes levied for road purposes on all property within two miles of the road on each side thereof, shall be applied to the construction of said road and the repair of the same; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under

the directions of said commissioners or their agent, appointed for that purpose.

Sec. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury, shall be computed by the county auditor as accurately as may be, and paid over to said commissioners or their agent; and all taxes so computed by the county auditor, shall be expended on said road in the county where collected.

Sec. 7. It shall be the duty of the county auditors of the respective counties through which said road shall pass, in computing the portion of road tax that may have accrued within the aforesaid limits on each side of said road, to embrace the whole of any tract of land not exceeding one hundred and sixty acres, of which, any part shall be within said limits; and for all duties performed by them under this act, they shall be allowed the same fees as are allowed by law in other cases for similar services.

Sec. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands, only on such parts of the road, the location of which shall have been permanently established.

Sec. 9. The said commissioners and their successors, shall be a corporation by the name of the "Sidney and Waupaukonnetta Road," for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or to the bridges thereon; and the fines and damages collected on such prosecutions shall be for the benefit of said road, and shall be paid to said trustees.

Sec. 10. The said trustees shall, annually, in the month of January, make a full settlement of all their receipts and expenditures under this act, and publish an account thereof in some newspaper on the line of said road, and also deposit a copy thereof in the auditor's office, in each county through which the road may pass.

Sec. 11. The supervisor of any road district, through which any part of said road may pass, shall, and he hereby is authorized, to appropriate any portion of the two day's labor, within his district, which he may deem expedient to the construction, preservation, or repair of said road; provided, always, that such labor shall be applied under the direction of said trustees or their agent.

Sec. 12. The commissioners of said road shall be allowed their reasonable personal expenses, when engaged on the business of said road, and no more, and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county in which such vacancy may happen, on being notified thereof, shall fill the same as often as it may occur.

Sec. 13. The expenses of surveying and locating said road, and other expenses incidental to the construction, preservation, superintendence, and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation, and repair of the same.

Sec. 14. All claims for damages, arising out of the location of said road, shall be settled in the manner prescribed by the act "for opening and regulating roads and highways," and all damages, assessed for injury to proper-

ty, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will be equal to the amount of damages assessed.

SEC. 15. This act shall take effect and be in force from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the Mount Carmel Church, in Madison township, Fairfield county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Martin Landis, Elliot Griffith, Salem Wolf, their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the Mount Carmel Church, in Madison township, Fairfield county, and State of Ohio, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, the act entitled "act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places in the township of Madison aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

the directions of said commissioners or their agent, appoi
pose.

SEC. 6. So much of the taxes appropriated by this
into the county treasury, shall be computed by the
curately as may be, and paid over to said commi
and all taxes so computed by the county audit
said road in the county where collected.

SEC. 7. It shall be the duty of the coun
counties through which said road shall pass.
road tax that may have accrued within the
said road, to embrace the whole of any
hundred and sixty acres, of which, any p
for all duties performed by them under
same fees as are allowed by law in ot

SEC. 8. The commissioners sha
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simple; they may take releases of
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which shall have been perman

SEC. 9. The said commis
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mount of damages assessed.
shall take effect and be in force from and after its

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

...epresentatives.
...C. WALTON,
...er of the Senate, pro tem.

AN ACT

...ate the Second Congregation of Disciples, in the city of Cincinnati.

Be it enacted by the General Assembly of the State of Ohio, That
SE ...S. Hubbell, John Taylor, George Tait, James H. Woods, Lysle
able ...ck, and their associates and successors, be and they are hereby cre-
ne... a body politic and corporate, by the name and style of the Second
s...ongregation of Disciples, in the city of Cincinnati, in the county of Ham-
...ton, and, as such, shall be entitled to all the rights and privileges granted
by, and be subject to all the restrictions of an act entitled "an act in rela-
tion to religious societies," passed March fifth, one thousand eight hundred
and thirty six, and of "an act securing to religious societies a perpetuity of
title to lands and tenements conveyed in trust for meeting houses, burying
grounds, or residences for preachers," passed January third, one thousand
eight hundred and twenty five, and also of "an act instituting proceedings
against corporations not possessing banking powers and the visitorial
powers of courts, and to provide for the regulation of corporations gene-
rally," passed March seventh, one thousand eight hundred and forty two.

aid corporators may call a meeting by giving a written
nd place of such meeting, by posting the same on the
at least ten days before the time of holding such

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

f the county treasury, if, in the opinion of the county
ft resulting from the establishment of said road
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effect and be in force from and after its

JOHN CHANEY,
f the House of Representatives.
ILLIAM C. WALTON,
of the Senate, pro tem.

v Spring, Miami county.

he State of Ohio, That
cCullough, Daniel Beedle,
cessors, be and they are hereby
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entitled to all the rights, privileges and im-
d shall be subject to all the restrictions of, an act
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iami, one thousand eight hundred and thirty six, and of an
an "act securing to religious societies a perpetuity of title to
and tenements, conveyed in trust for meeting houses, burying grounds
or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two, and with full power and authority to sell and convey any real estate, now belonging to said religious society, for the benefit of said church.

Sec. 2. That said corporation shall give twenty days notice, by advertisement in three of the most public places in said township where the chapel is situated, of the time and place of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the First Christian Church, of Sidney, in Shelby county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Wharton, Samuel A. Croy, William Pepper, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the First Christian Church, of Sidney, in Shelby county, and, by that name, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, anno domini, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, eighteen hundred and forty two.

SEC. 2. The corporators shall give ten days notice of their first meeting under this act, by advertisement in the said town of Sidney, of the time and place of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the First Christian Church, of Dublin, in Franklin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Zenas Hutchinson, John Eberly, Noah Smith, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the trustees of the First Christian Church, of Dublin, Franklin county, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six; also, an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give ten days notice of the time and place of their first meeting under this act, by posting up advertisements at three of the most public places in said town.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the First Associate Congregation, of Dalton, in subordination to the Associate Synod of North America, in the county of Wayne.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Douglass, David Stinson, John Murry, Robert McElheny, John McDowell, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the First Associate Congregation of Dalton, in subordination to the Associate Synod of North America, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That the first meeting under this act may be convened on ten days notice, by a majority of the corporators aforementioned, posted at three public places in the vicinity of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

as a town hall, the sole and exclusive control of said lot and building shall be vested in the trustees of said academy.

Sec. 5. All the corporate concerns of said academy shall be managed by the board of trustees, three of whom shall be a quorum for the transaction of business, and such trustees shall have full power to make such by-laws and regulations as they may deem proper for the government of said school, its officers and servants, and for the management of its corporate property and affairs.

Sec. 6. That said board of trustees shall have power to fill any vacancies that may happen in their number from death or otherwise, and members of the board, appointed to fill vacancies, shall serve until the next annual election.

Sec. 7. That the commissioners herein named, shall have power to take subscriptions of stock payable in instalments of one, two, three, four, and five years, and the trustees elected may make and execute any contract for the enlarging, adding another story thereto, and improving said building, as they may deem most proper and suitable for separate schools for males and females.

Sec. 8. That the trustees of said academy shall have full power and authority to transfer and assign to any person or persons, with whom they may contract, any stock subscribed, and the person to whom such stock is assigned may sue therefor, in his own name, and recover the whole amount which may be due thereon.

Sec. 9. That said building, after it shall have been improved and enlarged, shall be appropriated to no other use or purpose whatever, except for the keeping of a male and female academy, provided, the use of the first story of said building shall be reserved for town purposes until the town authorities shall provide another building for that purpose.

Sec. 10. That the said buildings shall be under the control of the five trustees herein named, until the first Monday of January, A. D., one thousand eight hundred and forty four, unless before that time, two thousand dollars of stock are subscribed, and the stockholders shall have elected trustees as provided by the third section of this act; and if trustees are not elected by the stockholders or if two thousand [dollars] of stock are not subscribed, it shall be the duty of the corporate authorities of said town, prior to the first Monday of January, annually, to appoint five trustees, who shall have full control over said academy, and shall serve until their successors are appointed.

Sec. 11. The corporators shall be subject to all the restrictions of an act to regulate corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To amend the act entitled "An act to incorporate the German Lutheran Seminary of the German Lutheran Synod of Ohio and adjacent States," passed January 30, 1834.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the number of the trustees or directors of said seminary, and the manner of their election, shall, from and after the passage of this act, be regulated by the constitution or bylaws of said corporation.

SEC. 2. That so much of the third section of the act to which this is an amendment, as may be inconsistent with the first section of this act, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To attach a part of Pickaway county to the county of Ross.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all that part of Pickaway county which lies within the incorporated limits, or boundary of the town of Adelphi, be and the same is hereby attached to the county of Ross, and shall hereafter be and remain, to all intents and purposes, a part of said county of Ross.

SEC. 2. That all crimes committed, shall be punished, and all forfeitures incurred shall be collected, and all proceedings commenced, shall be prosecuted to final judgment, and all judgments rendered, or to be rendered as aforesaid, shall be executed in the same manner as if this act had never been passed.

SEC. 3. That the county auditor of the county of Pickaway, shall, on or before the first day of March next, transcribe from the duplicate in his office, a list of all lands or town lots, or parts of lots, with the buildings thereon, situate in that part of said county, which, by this act, is attached to Ross county, together with the value thereof, and the taxes of the year eighteen hundred and forty one, if any remain unpaid, and transmit the same by mail to the auditor of Ross county; and the auditor of the said county of Ross, shall charge the lands, lots or parts of lots, and buildings, transmitted to him as aforesaid, with taxes, interest and penalty, if any, in the same manner as if a list thereof had been taken in said county.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

Explanatory of an act entitled "An act to amend an act entitled, an act to incorporate the city of Cleveland," passed March 20, 1841, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second section of the act to amend the act to incorporate the city of Cleveland, passed March twentieth, one thousand eight hundred and forty one, shall not be so construed as to prevent the city council of the city of Cleveland, from levying a tax for the support of schools, as authorized by the twentieth section of the charter of said city, in addition to the tax authorized by said second section to be levied for city purposes; and any tax so levied by said city council, in accordance with the twentieth section of the charter of said city, for the support of schools, shall be incorporated by the auditor of Cuyahoga county, with the tax authorized to be levied by the said second section, and entered on the duplicate of taxes for said county, collected and paid over, in conformity with the third section of said act of March twentieth, one thousand eight hundred and forty one.

SEC. 2. That for the purpose of more effectually enforcing such ordinances as may have been, or may hereafter be passed by the city council of said city of Cleveland, in accordance with the thirteenth section of the charter of said city, the jail of the county of Cuyahoga, is hereby declared to be, for the purposes named in said thirteenth section, co-extensive with the limits of the said city of Cleveland.

SEC. 3. That so much of the act incorporating said city of Cleveland, as gives, or is supposed to give, the town council the power to appoint an inspector of beef, pork, flour, fish, &c., be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To lay out and establish a graded State Road, in the counties of Coshocton and Tuscarawas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That James Ravenscraft, of the county of Coshocton, John Mizer and John Shank, of the county of Tuscarawas, be and they are hereby appointed commissioners, to lay out and establish a graded state road, commencing at Joseph Stoneheckers, in Coshocton county, on the road leading from Coshocton to New Bedford, and running from thence the nearest and best route, to William Boyd's mill in Coshocton county; thence the nearest and best route to intersect the Shanesville road, at or near George Gonter's, in Tuscarawas county.

SEC. 2. That this road shall in no case exceed a grade of five degrees.

SEC. 3. That the commissioners aforesand shall in all respects be governed by the laws in force, defining the mode of laying out and establishing state roads, passed March fourteen, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 4. That should any vacancy occur in said board of commissioners, by death, removal or otherwise, the commissioners of the county in which such vacancy may happen, shall, on being notified thereof, fill the same as often as it may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To establish a free Turnpike Road from Sidney, in Shelby county, to Waupaukonnetta, in Allen county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That James A. Wells and Richard Botkin, of Shelby county, and Jeremiah Ayres, of Allen county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road from the town of Sidney, in Shelby county, to Waupaukonnetta, in Allen county, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act. They shall keep a record of their proceedings, and a majority shall be a quorum, and shall be competent to exercise any of the powers herein granted.

SEC. 3. The commissioners shall meet in the town of Sidney, in the county of Shelby, on the second Monday of April, one thousand eight hundred and forty three, or at any time within one month thereafter, and organize by choosing one of their number president of said board; and they shall then take measures to view, locate and establish said road, and of all such locations they shall cause true copies to be filed in the auditor's office of the proper county.

SEC. 4. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and at such places as will render the road most available for travel and transportation; they shall also have power to purchase and procure all necessary implements and fixtures to construct said road and preserve the same in repair.

SEC. 5. The taxes levied for road purposes on all property within two miles of the road on each side thereof, shall be applied to the construction of said road and the repair of the same; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under

the directions of said commissioners or their agent, appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury, shall be computed by the county auditor as accurately as may be, and paid over to said commissioners or their agent; and all taxes so computed by the county auditor, shall be expended on said road in the county where collected.

SEC. 7. It shall be the duty of the county auditors of the respective counties through which said road shall pass, in computing the portion of road tax that may have accrued within the aforesaid limits on each side of said road, to embrace the whole of any tract of land not exceeding one hundred and sixty acres, of which, any part shall be within said limits; and for all duties performed by them under this act, they shall be allowed the same fees as are allowed by law in other cases for similar services.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands, only on such parts of the road, the location of which shall have been permanently established.

SEC. 9. The said commissioners and their successors, shall be a corporation by the name of the "Sidney and Waupaukonnetta Road," for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or to the bridges thereon; and the fines and damages collected on such prosecutions shall be for the benefit of said road, and shall be paid to said trustees.

SEC. 10. The said trustees shall, annually, in the month of January, make a full settlement of all their receipts and expenditures under this act, and publish an account thereof in some newspaper on the line of said road, and also deposit a copy thereof in the auditor's office, in each county through which the road may pass.

SEC. 11. The supervisor of any road district, through which any part of said road may pass, shall, and he hereby is authorized, to appropriate any portion of the two day's labor, within his district, which he may deem expedient to the construction, preservation, or repair of said road; provided, always, that such labor shall be applied under the direction of said trustees or their agent.

SEC. 12. The commissioners of said road shall be allowed their reasonable personal expenses, when engaged on the business of said road, and no more, and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county in which such vacancy may happen, on being notified thereof, shall fill the same as often as it may occur.

SEC. 13. The expenses of surveying and locating said road, and other expenses incidental to the construction, preservation, superintendence, and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation, and repair of the same.

SEC. 14. All claims for damages, arising out of the location of said road, shall be settled in the manner prescribed by the act "for opening and regulating roads and highways," and all damages, assessed for injury to proper-

ty, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will be equal to the amount of damages assessed.

SEC. 15. This act shall take effect and be in force from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the Mount Carmel Church, in Madison township, Fairfield county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Martin Landis, Elliot Griffith, Salem Wolf, their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the Mount Carmel Church, in Madison township, Fairfield county, and State of Ohio, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, the act entitled "act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places in the township of Madison aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the Evangelical Lutheran and German Reformed Church, at Waynesburg, in Stark county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joseph Doll, Valentine Rinehart, Henry Muckly, Daniel Rodocker, John Bouman, John Fox, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Evangelical Lutheran and German Reformed Church of Waynesburg, in Stark county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The said corporators shall give at least ten days notice, by notices posted up in at least three of the most public places in Waynesburg, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the Second Congregation of Disciples, in the city of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Nathan S. Hubbell, John Taylor, George Tait, James H. Woods, Lysle Lodwick, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Second Congregation of Disciples, in the city of Cincinnati, in the county of Hamilton, and, as such, shall be entitled to all the rights and privileges granted by, and be subject to all the restrictions of an act entitled "an act in relation to religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and also of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The said corporators may call a meeting by giving a written notice of the time and place of such meeting, by posting the same on the door of their church at least ten days before the time of holding such meeting.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the First Christian Church, at Rocky Spring, Miami county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That William Tullis, Jacob Counts, Alexander McCullough, Daniel Beedle, Abram Beedle, and their associates and successors, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of the First Christian Church, at Rocky Spring, in Miami county; and, by that name, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, an act entitled an "act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled an "act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two, and with full power and authority to sell and convey any real estate, now belonging to said religious society, for the benefit of said church.

SEC. 2. That said corporation shall give twenty days notice, by advertisement in three of the most public places in said township where the chapel is situated, of the time and place of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the First Christian Church, of Sidney, in Shelby county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Wharton, Samuel A. Croy, William Pepper, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the First Christian Church, of Sidney, in Shelby county, and, by that name, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, anno domini, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, eighteen hundred and forty two.

SEC. 2. The corporators shall give ten days notice of their first meeting under this act, by advertisement in the said town of Sidney, of the time and place of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the First Christian Church, of Dublin, in Franklin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Zenas Hutchinson, John Eberly, Noah Smith, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the trustees of the First Christian Church, of Dublin, Franklin county, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six; also, an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give ten days notice of the time and place of their first meeting under this act, by posting up advertisements at three of the most public places in said town.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the First Associate Congregation, of Dalton, in subordination to the Associate Synod of North America, in the county of Wayne.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Douglass, David Stinson, John Murry, Robert McElheny, John McDowell, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the First Associate Congregation of Dalton, in subordination to the Associate Synod of North America, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That the first meeting under this act may be convened on ten days notice, by a majority of the corporators aforementioned, posted at three public places in the vicinity of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To change the name of the First Congregational Society, of Fredonia, in the county of Licking, to the First Congregational Church and Society, in the township of McKean, in the county of Licking.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the First Congregational Society, of Fredonia, in the county of Licking, incorporated March twenty seventh, one thousand eight hundred and forty one, be and the same is hereby changed to the First Congregational Church and Society, in the township of M'Kean, in the county of Licking, and that the said society, by that name, shall possess and enjoy all the rights and privileges, and shall be subject to all the restrictions and limitations contained in said act of incorporation.

SEC. 2. That said corporation shall be entitled to hold all property heretofore conveyed to, or acquired by, said corporation, and shall be liable for all debts contracted under its former name, which are now or shall hereafter become due, and remain unpaid; provided, that no suit commenced against said corporation shall abate on account of said change of name.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the First Presbyterian Church, of Martinsville, Belmont county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Joseph Blackford, Moses Porter James G. Wylie, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Presbyterian Church, of Martinsville, Belmont county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said society shall give ten days notice of the time and place of their first meeting, by posting up advertisements in three of the most public places in said town.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the German Reformed and Lutheran Church of Navarre, in Stark county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George Slusser, John B. Reck, Daniel Groff, John Denius, Adam Wert, Jacob Rider and John Erb, their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the German Reformed and Lutheran Church, of Navarre, in Stark county, Ohio, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six; and also, an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places in said town.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the First Regular Baptist Society, of Pittsfield, in the county of Lorain.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That A. R. Miller, Jason Spencer, Alvah Coburn, Seth Weller, and Norman Chapin, and their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Regular Baptist Society, of Pittsfield, in the county of Lorain, and, as such shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The said corporators shall give ten days notice, of their first meeting under this act, by posting up advertisements in three of the most public places in said township.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To incorporate the First Regular Baptist Church, of Huntington, in the county of Lorain.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Jesse Johnson, Abner Chapman, junior, Chester Foot, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Regular Baptist Church, of Huntington, in the county of Lorain, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and an act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seven, one thousand eight hundred and forty two.

SEC. 2. That the act entitled "an act to incorporate the First Baptist Society, of Huntington, Lorain county, Ohio," passed February twenty eight, one thousand eight hundred and forty two, be and the same is hereby repealed.

SEC. 3. That the corporators shall give ten days notice of their first meeting under this act, by posting up advertisements in three of the most public places within the limits of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

AN ACT

To authorize the sale of School Section Sixteen, in the original surveyed township, number five, of range number seven, in Monroe county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixteen, in the original surveyed township, number five, of range number seven, in Monroe county, be and the same is hereby authorized to be sold, according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To authorize the trustees of School Section Sixteen, in Rome township, Athens county, to lease certain school lands.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of school section sixteen, in Rome township, Athens county, be and they are hereby authorized to lease to Peter Bebee, the lessee of said section, (except about three acres) the remainder of the section, on the same conditions, and subject to the same restrictions, contained in the leases already executed between the trustees and said Bebee.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To authorize the sale of School Section No. 16, in township No. 5, north, of range No. 12, east, in Wood county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That school section number sixteen, in township number five, north, of range number twelve, east, in Wood county, be and the same is hereby authorized to be sold, and such sale shall be governed, in all things, by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, anno domini, one thousand eight hundred and forty three; provided, that in no case shall said lands be sold for a less sum than five dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON.
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To authorize the sale of the west half of section twelve, township three, north, of range sixteen, which has been set apart for school purposes, in Adams township, Seneca county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the west half of section twelve, township three, north, of range sixteen, in Adams township, Seneca county, which has heretofore been set apart for the use of common schools, be and the same is hereby authorized to be sold, and such sale shall be governed, in all things by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, anno domini, one thousand eight hundred and forty three; provided, that, in no case, shall said lands be sold for a less sum than five dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To authorize the leasing of certain school lands, in the county of Athens.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of school section sixteen, in the original surveyed township number six, in the county of Athens, be and they are hereby authorized to grant durable leases for the balance of said section, not heretofore so leased on the best terms practicable, subject to the same conditions and restrictions as are contained in the permanent leases already granted, so that the entire section shall be on the same footing so far as regards the duration of their several leases.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To authorize the reappraisement and sale of certain tracts of Moravian school lands, in the county of Tuscarawas.

Whereas, it is represented to this general assembly, that in pursuance of an act entitled "an act to provide for the sale of three several tracts of Moravian school lands, in the county of Tuscarawas," passed March twentieth, one thousand eight hundred and forty, the commissioners therein appointed to appraise said lands, and the auditor of said county, after appraisement thereof, having offered to sale that part of said lands known as the Schoenbrun tract, which yet remains unsold for want of purchasers; and, whereas, it is further represented to the general assembly, that the object contemplated by said act will not probably be effected without a reappraisement of said lands, and doubts being entertained whether a reappraisement can be made, and the auditor authorized to sell said lands without further special authority; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the special commissioners heretofore appointed, or such as the county commissioners shall appoint, to fill vacancies in the manner appointed out in the third section of said act, are hereby authorized and required to make a separate reappraisement of each of said lots, called Moravian school lands, in the several townships in said county of Tuscarawas, which may not have been yet appraised and sold, as well as that part called Schoenbrun tract, and after the reappraisement thereof, it shall be the duty of the county auditor to advertise and sell the said several tracts of land in said act enumerated, not yet disposed of, in separate parcels; the said commissioners and auditor, to be governed by the provisions of the said act, passed March twentieth, one thousand eight hundred and forty.

SEC. 2. That said commissioners are hereby authorized to have said lands laid off in not less than twenty acre lots, before the appraisement thereof, if in their judgment said lands or any part thereof remaining unsold, will be thereby enhanced in value.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To authorize the sale of the northwest quarter of section sixteen, in township fifteen, of range three, in Columbiana county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the northwest quarter of section sixteen, in original surveyed township, number fifteen, in range three, in the county of Columbiana, is hereby authorized to be sold in accordance with the provisions of the act entitled "an act to authorize the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, anno domini, one thousand eight hundred and forty three; provided, that said lands shall not be sold at less than fifteen dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To declare the true intent and meaning of the first section of the act entitled "An act to amend an act entitled 'an act to establish an University in the town of Athens,' passed February 21, A. D., 1805."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it is the true intent and meaning of the first section of the act entitled "an act to amend an act entitled 'an act establishing an university in the town of Athens,' passed February the twenty first, eighteen hundred and five," that the leases granted under and by virtue of said act, and the one to which that was an amendment, should not be subject to a revaluation at at any time thereafter, as was provided for in the act to which that was an amendment.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To legalize the official acts of Lewis D. Boynton, Brigadier General, 2d Brigade, 9th Division, of the Militia of the State of Ohio.

Whereas, the oath of office of Lewis D. Boynton, brigadier general, second brigade, ninth division, in the militia of the state of Ohio, was administered and certified on his commission by the clerk of the court of common pleas of Lorain county; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the official acts of Lewis D. Boynton, brigadier general, second brigade, ninth division, in the militia of this state, be and the same are hereby adjudged legal, in the same manner as if the oath had been administered and certified by the proper authority.

SEC. 2. That this act shall in no wise legalize or affect any act of the said Lewis D. Boynton, which shall have been a violation of any law of the state of Ohio or of the United States.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Morgan County Medical Society.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That P. B. Johnson, Charles Robertson, Edward Dawes, John C. Clark, Lyman Little, Hiram Little, Dearman Williams, H. C. Grimmell, J. C. Shock, James Reesk, D. R. Berry, and their associates, together with such as may hereafter be associated with them, are hereby created a body corporate and politic, by the name and style of the Morgan County Medical Society; and, by that name, may sue and be sued, plead and be impleaded in all courts of law and equity, may have a common seal and alter the same at pleasure, shall be capable of holding personal and real estate, by gift, grant or devise, and may sell, dispose of, and convey the same, but the value thereof shall not exceed thirty thousand dollars.

SEC. 2. That the stock and funds of said society shall be devoted to the promotion and elevation of the science of medicine, and its collateral branches; provided that no part of said funds or the income thereof, shall, at any time, directly or indirectly, be employed in banking, nor shall said society issue certificates of deposit, drafts or any other evidence of indebtedness, calculated to circulate as money or currency, under penalty of forfeiture of this act.

SEC. 3. That said society shall have power to form a constitution and adopt bylaws for the government thereof, the management and regulation of its fiscal concerns, admission and expulsion of its members, and

election of its officers, together with such powers as are necessary and proper for the efficient direction and management of its concerns, provided said constitution and bylaws are not inconsistent with the constitution and laws of the United States and of this state. The incorporators, and such other persons as shall be associated with them, shall be deemed and held individually liable for all the debts of the society.

SEC. 4. The said corporators shall be subject to all the restrictions, limitations and liabilities defined in the act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Trustees of the Methodist Female Collegiate Institute, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Thomas A. Morris, Josiah Lawrence, Asbury M. Searles, John Elstner, Harvey Decamp, Joseph G. Rust, John Dubois, John Reeves, William Woodruff, Adam N. Riddle, George W. Townley, Jabez Seegar and Samuel Williams, of the city of Cincinnati, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Methodist Female Collegiate Institute, of Cincinnati, and, by that title, to have perpetual succession, with full power to sue and be sued, to plead and be impleaded, to acquire, hold and convey property, both real and personal, and to have and use a common seal.

SEC. 2. That at the first meeting of said trustees, after the passage of this act, they shall divide their number, by lot, into three classes, one of the said classes to consist of five members, and the other two of four members each. The first drawn class shall go out of office at the end of one year, the second at the end of two years, and the third at the end of three years; and their places shall, respectively, be filled on the first Monday in March, annually, by joint election of the several boards of trustees of the Wesley, the Morris, the Ninth street, and the Asbury chapels of the Methodist Church, in said city; which trustees, so elected, shall severally hold their office until their successors shall be chosen. All ministers of the said church, having pastoral charge in said city, together with the book agents and editors connected with the Western Book Concern of said church, for the time being, shall, ex-officio, be members of the said board of trustees.

SEC. 3. That the trustees incorporated by this act, shall, at their first meeting after its passage, and annually thereafter, choose, from their own body, a president, treasurer and secretary; and the said trustees shall fill

all vacancies occurring in their own body, or in said offices; and at all meetings of the board, a majority shall constitute a quorum to do business.

SEC. 4. That the trustees shall have power to appoint a principal of said institute, and such professors and instructors, as may at any time be necessary, for the instruction of the pupils therein in the arts and sciences, and in all the necessary, useful and ornamental branches of a thorough and liberal education, such as is taught in the best female colleges or academies. And the said trustees shall have power to make such rules and regulations as they may deem expedient for the government and conduct of the said institute, to prescribe such course of study, and such mode of instruction therein, as they may judge best, and to confer on those pupils whom they shall deem worthy thereof, all such literary honors and degrees as are usually conferred by the best female institutes or academies.

SEC. 5. The said company shall be subject to all the regulations, restrictions and liabilities of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally," passed March seven, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To settle the claims of Edmund Lytle and George D. Leckey.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Board of Public Works are hereby required and directed, by a new board of appraisers appointed for that purpose, to cause a re-examination and appraisal of the damages said to be done to the premises of Edmund Lytle, in Sidney, in Shelby county, by the construction of the Sidney feeder canal, and also of the damages said to be done to the premises of George D. Leckey, for damages done to his farm and premises, by the construction of the same feeder; which re-examination and appraisal shall in all respects be conducted according to the law for assessing damages on the canals.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Oakland Female Seminary, of Hillsborough.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Joseph J. Mathews, Thomas Barry, John Underhill, John A. Trimble, William Keys, George W. Tucker, James M. Brown, M. Waddle, John M. Johnson, David Miller, and James A. Nelson, and their associates and successors, be and are hereby created a body politic and corporate, with perpetual succession, by the name and style of the Oakland Female Seminary.

SEC. 2. Said corporation, under their corporate name, aforesaid, shall be competent, in law, to sue and be sued, plead, and be impleaded, and defend, in any court of law or equity, may have a common seal, and the same at pleasure may alter, may contract and be contracted with, and shall be capable of acquiring and holding property, whether real or personal, and may dispose of the same by sale or otherwise, to promote the design of said institution; provided, the annual income thereof do not exceed the sum of two thousand dollars.

SEC. 3. The capital stock of said corporation shall consist of three thousand dollars, with the privilege of increasing the same to six thousand, which said capital stock shall be divided into shares of ten dollars each; provided, that no increase of stock shall be made without the consent of a majority of the stockholders.

SEC. 4. The institution to be established by said corporation shall be located in the village of Hillsborough, in the county of Highland, and its property, whether real or personal, shall be used for the purpose of educating females only; the purchase of a site, with a suitable building or buildings thereon, or the purchase of the same, and the erection of proper and convenient buildings thereon, and the procurement of a library, chemical, philosophical and other apparatus, for such institution.

SEC. 5. The business of said corporation shall be managed by a board of nine trustees, a majority of whom may transact business, to be elected by the stockholders on the first Monday of May, annually, at which election, each share of stock shall entitle its holder to one vote, and may be represented personally or by proxy, and the said board of trustees, when so elected, shall hold their offices for the term of one year, from the time aforesaid, or until their successors are chosen, and they shall have power to fill all vacancies that may occur in their own body, by death, resignation, or otherwise.

SEC. 6. Said trustees shall, within twenty days after the passage of this act, at such time and place as they may agree upon, meet and elect a president, secretary, and treasurer, the two former of whom to be members of the board, and who shall serve during the pleasure of the trustees; and said trustees shall have power, and it shall be their duty, to appoint such professors, and teachers, and other officers, as they may think meet and proper to carry the design of said institution into effect, and shall prescribe their respective duties and compensation.

SEC. 7. And for the good order and successful management of the institution, the said trustees shall make and ordain all necessary rules and by-laws for the regulation of the same; provided, they be not inconsistent with the laws of the United States, of this state, or this act of incorporation.

Sec. 8. It shall be competent for said trustees to confer diplomas, or such other literary honor, as to them may seem proper, on such female scholars as may have completed a thorough course in all the several departments of learning established in said institution, and the said diplomas, or other evidences of literary merit thus to be conferred, shall be signed by the president and secretary of the board, and may have the signatures of the teachers engaged in said institution attached thereto.

Sec. 9. The trustees are hereby empowered, each and every one of the stockholders agreeing thereto, and not otherwise, to sell and dispose of all the property, whether real or personal, held and obtained by said institution, under this act of incorporation, for the use and benefit of said stockholders, any thing in this act to the contrary notwithstanding; provided, that before such sale or disposition as aforesaid, all the debts and liabilities of said institution shall have been discharged, and that no rights or obligations created by the same, shall be impaired thereby.

Sec. 10. That Joseph J. Mathews, Thomas Barry, John A. Trimble, John Underhill, David Miller, James A. Nelson, John M. Johnson, Matthew Waddle, and William Keys, be and are hereby appointed trustees under this act of incorporation, whose term of service shall expire on the first Monday of May, A. D., one thousand eight hundred and forty three.

Sec. 11. This charter shall be subject to alteration or repeal by any subsequent legislature, and the stockholders held individually liable for the debts of the corporation.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To restore Michael Horne to his legal rights and privileges.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Michael Horne, of Crawford township, Coshocton county, and state aforesaid, be and he is hereby restored to all the rights, privileges, and immunities which he enjoyed previous to his conviction of the crime of grand larceny, at the October term of the court of common pleas, held in and for the county of Stark, in the year of our Lord, one thousand eight hundred and thirty eight, in the same manner as if said conviction had never been.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Bank of Dayton, in Montgomery county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Edmund Smith, Nathaniel Wilson, Christian Koerner, William Eaker and their associates and successors, be and they are hereby created a body politic and corporate by the name of the Bank of Dayton, for the term of eighteen years from the first day of May, anno domini, one thousand eight hundred and forty three, to be located at Dayton, in Montgomery county, in this state, and to be entitled to all the powers and privileges, and be subject to all the duties, liabilities, restrictions and requirements of the act entitled "an act to regulate banking in Ohio," passed March seventh, one thousand eight hundred and forty two, and the act amendatory thereto passed February twenty first, A. D., one thousand eight hundred and forty three; the capital stock of which corporation, shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to five hundred thousand dollars.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the German Catholic Cemetery, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John H. Jobs, Henry Kloune, Frederic Ablering and Joseph] Block, their associates and successors, are created a body politic and corporate by the name of the German Catholic Cemetery Society, of Cincinnati, agreeably to an act passed March fifth, anno domini, one thousand eight hundred and thirty six, entitled "an act in relation to incorporated religious societies," and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two, and shall hold their first meeting for the election of officers, by the persons named in this act, or a majority of them, giving at least ten days notice in writing, posted up within the limits of the proposed society, in three public places, stating the time and place of holding said meeting.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To regulate the fees of certain officers and witnesses in Hamilton county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the clerk of the superior court of Cincinnati, clerk of the court of common pleas, county treasurer, county auditor, county recorder, and sheriff, of the county of Hamilton, shall be allowed the following compensation for their services as such officers, viz: The clerk of the superior court of Cincinnati, the sum of one thousand dollars per annum; the clerk of the court of common pleas, fifteen hundred dollars per annum; the county treasurer, sixteen hundred dollars per annum; the county auditor, one thousand dollars per annum; the county recorder, eight hundred dollars per annum; the sheriff, thirty two hundred dollars per annum, to be paid in the manner hereinafter provided.

SEC. 2. That it is hereby made the duty of the clerk of the superior court of Cincinnati, clerk of the court of common pleas, county treasurer, county auditor, county recorder, and sheriff of said county of Hamilton, each, to keep in their respective offices a book of accounts, in which shall be regularly entered all moneys received by them respectively, for commissions, poundage, percentage and fees, in the discharge of the duties of their respective offices; and in which said book shall also be regularly entered all moneys by them respectively paid out, for clerk hire, deputies or charges otherwise necessarily incurred in the discharge of the duties of their respective offices, the vouchers for which payments shall be carefully filed away and preserved by such officers.

SEC. 3. That it shall be the further duty of said officers, each, to present his said books of accounts and vouchers, to the county commissioners of Hamilton county, at the auditor's office in said county, on the first Monday in the months of March, June, September and December, in each and every year, for the purpose of being audited and settled; and said county commissioners shall examine said books of accounts and vouchers, and shall allow all payments made by said officers in the discharge of the duties of their respective offices, and for which vouchers are presented, and which payments are reasonable and proper, or so much as said commissioners shall deem just and reasonable. And in all settlements made by the officers aforesaid, it shall be lawful for the commissioners aforesaid, to allow all accounts presented by any of said officers, for contingent expenses, or otherwise, verified by the oath of such officer, provided such account does not exceed the sum of fifty dollars in any one quarter, said commissioners being satisfied that said account is just and reasonable. And every such officer shall be made debtor to the said county of Hamilton for all money received by him as aforesaid, and shall be credited for all moneys paid out for the purposes aforesaid, and allowed by the commissioners on settlement as aforesaid. And if the debtor account of the clerk of the superior court of Cincinnati shall exceed his credit account more than two hundred and fifty dollars, he shall pay the excess over two hundred and fifty dollars into the treasury of said county, within ten days after such settlement, for which he shall take duplicate receipts, one of which he shall retain and the other he shall file with the auditor of said county. And if the debtor account of the clerk of the court of common pleas shall exceed his credit

account more than three hundred and seventy five dollars, he shall pay the excess over three hundred and seventy five dollars into the treasury of said county, within ten days after such settlement, for which he shall take duplicate receipts, one of which he shall retain, and file the other in the office of the auditor of said county. And if the debtor account of said county treasurer shall exceed his credit account more than four hundred dollars, he shall pay such excess over four hundred dollars into the county treasury, within ten days after such settlement, for which he shall take duplicate receipts, one of which he shall retain, and the other he shall file in the office of the auditor of said county. And if the debtor account of the sheriff exceed his credit account more than eight hundred dollars, he shall pay the excess over eight hundred dollars into the treasury of said county, within ten days after such settlement, for which he shall take duplicate receipts, one of which he shall retain, and the other file with the auditor of said county. And if the debtor account of the county auditor shall exceed his credit account more than two hundred and fifty dollars, he shall pay the excess over two hundred and fifty dollars into the treasury of said county, within ten days after such settlement, for which he shall take duplicate receipts, one of which he shall retain, and the other he shall carefully file away in his office. And if the debtor account of the county recorder shall exceed his credit account more than two hundred dollars, he shall pay the excess over two hundred dollars into the treasury of said county, within ten days after such settlement, for which he shall take duplicate receipts, one of which he shall retain, and the other file with the auditor of said county; provided always, and it is hereby declared to be the true intent and meaning of this act, that settlement shall be so made as to allow the officers, named in the first section of this act, to apply the excess of receipts by them had, in any one or more quarters within the same year, to any one or more quarters which may, on settlement, exhibit an amount or balance below the sums respectively allowed said officers by this act, in such manner, that said officers may retain all money by them received, as aforesaid, not exceeding the amount per annum specified in this act; but in no case whatever shall the commissioners aforesaid allow any money to be drawn from the county treasury for the payment of any of said officers, except for the payment of the county auditor.

Sec. 4. That the sheriff of said county of Hamilton shall be entitled to receive the fees allowed by law for the transportation of prisoners from the county seat, in said county, to the Ohio Penitentiary, and said fees shall be independent of the annual salary allowed said sheriff, as aforesaid.

Sec. 5. That it shall be the duty of the county commissioners, aforesaid, to apply all moneys paid into the county treasury, under the provisions of this act, to county purposes, and to no other purpose whatever.

Sec. 6. If any of the officers named in the first section of this act shall refuse or neglect to comply with the provisions of this act, every such officer shall thereby forfeit his office, which shall be immediately filled in the manner now prescribed by law, and shall be subject to a fine not exceeding five hundred dollars, to be recovered by a suit at law, before any court in said county, in the name of the state of Ohio, and to be appropriated by the commissioners of said county, to county purposes, and shall moreover be liable to an action on his official bond, for all moneys in his hands, which may be due, or owing to the county treasury, under the provisions of

this act; and it shall be the duty of the prosecuting attorney of Hamilton county, to see that the provisions of this act are carefully executed, and that the officers named in the first section of this act, use due diligence in collecting all fees due to their respective offices; and the county commissioners, aforesaid, shall make said prosecuting attorney such allowance as they may deem just and reasonable, for all services performed by him, under the provisions of this act.

SEC. 7. That when any person, within the county of Hamilton, shall be recognized, or appear as a witness in a number of criminal cases, which may be pending at the same time, he shall not be entitled to demand, or receive, out of the county treasury of said county of Hamilton, a greater sum, for the whole number of cases, than one dollar per day, for every day he may so have appeared as a witness.

SEC. 8. That in all civil cases, where a trial by jury shall be had in the supreme court, superior court of Cincinnati, or the court of common pleas, in the county of Hamilton, the party in whose favor a verdict may be rendered, and in case of a nonsuit, the party calling said jury, shall pay for the time said jury is detained in the trial of said cause, the amount, so to be paid, shall be determined by the court, on the rendition of the verdict or judgment of nonsuit, as aforesaid, before the same is recorded, into the hands of the sheriff of said county, and by him paid into the county treasury; provided, that in no case shall said court assess a less sum than six dollars as jurors' fees, as aforesaid; and it shall not be lawful for either of said courts to have or require the attendance of more than one set of standing jurors, at one and the same time; and should it be deemed necessary by either of said courts to impannel a second jury, at any time the regular jury may be detained in the trial of any cause, said court shall order the sheriff to fill the pannel from the bystanders, as is provided for in the eighteenth section of the act entitled "an act relating to jurors," passed February ninth, one thousand eight hundred and thirty one.

SEC. 9. That the clerks of the several courts in Hamilton county shall, for services under the several acts of Congress, upon the subject of naturalization, receive the fees herein specified, and no more: For entering a declaration of intention to become a citizen of the United States, twelve and a half cents; for a certified copy of such entry, under seal of the court, twenty five cents; for entering the final admission of an alien to the rights of citizenship, twelve and a half cents; for a certified copy thereof, under the seal of the court, twenty five cents.

SEC. 10. That the clerk of the court of common pleas, in Hamilton county, shall be allowed the following fees in administration and probate cases: For probate of will or testament, and entry thereof, twenty cents; issuing letters testamentary, under seal of the court, seventy cents; administering oath to executors or administrators, and taking bond in each case, thirty cents; recording will or inventory, final settlement of executors, administrators, or guardians, for every one hundred words, eight cents; copies of wills, inventories, or rules of court, ordered to be furnished executors, admistrators, or guardians, eight cents for every one hundred words; entering appointment of administrator, guardian, or appraisers of property, ten cents; copy of order to appraise property, twelve and one half cents; taking bond of guardian for minor, or insane person, twenty five cents; letters of administration, or copy thereof, seventy cents; certificate, or issu-

ing letters of guardianship, under seal of the court, thirty seven and one half cents; for filing an account current, and vouchers of executors, administrators, or guardians, twenty cents; and for all other necessary entries, records, or copies, eight cents for every one hundred words.

SEC. 11. That the clerk of the court of common pleas, in said county of Hamilton, shall be allowed for administering oath, granting marriage license, with the seal affixed thereto, recording the certificate of marriage, and filing the necessary papers, fifty cents.

SEC. 12. That every person obtaining a license to keep a tavern or house of entertainment in the county of Hamilton, shall pay the clerk of the court of common pleas in said county, one dollar, and no more.

SEC. 13. That the sheriff of Hamilton county shall receive for selling real estate under an order of court, when the same will not bear partition, three fourths of one per centum on the amount of such sale, if such sale does not exceed three thousand dollars; and on all sums over three thousand dollars, one half of one per centum.

SEC. 14. That whenever information shall be given to the coroner of Hamilton county, that the dead body of any person, supposed to have come to his or her death by violence, has been found within his county, it shall be the duty, of said coroner to proceed immediately to view such dead body, and, after examining the same, and, as far as possible inquiring into the circumstances which caused the death of such person, if said coroner shall be satisfied that good cause exists for holding an inquest over such person, it shall be the duty of said coroner forthwith to summon a jury of six good, judicious men, residents of said county, having the qualification of electors, to appear at the place where such dead body shall be, at the time specified in said warrant, to inquire concerning the same.

SEC. 15. That in all criminal causes, tried in the court of common pleas, in Hamilton county, when the judges of said court shall, in conformity with the fourteenth section of the act entitled "an act directing the mode of trial in criminal cases," passed March seventh, one thousand eight hundred and thirty one, assign counsel for any prisoner indicted and put upon trial in said court, the said court shall not allow said counsel or attorney a greater sum than five dollars, except in cases of murder or manslaughter.

SEC. 16. This act to take effect and be in force from and after the first day of June next.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To authorize the Commissioners of Wood county, to apply the Bridge Funds of said county to road purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Wood county are hereby authorized to apply such part of the bridge funds of said county, as is not necessary for bridge purposes, in any other way which will in their opinion best subserve the interests of said county in the improvement of roads.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

Making a special appropriation to Champaign county, for School purposes.

Whereas, by the act entitled "an act levying a tax for state and school purposes," passed March nineteenth, one thousand eight hundred and thirty eight, a tax of one half mill was directed to be levied upon each dollar of the valuation of all property entered on the general list for taxation throughout the state; and, whereas, in consequence of the late period at which the laws of that session were distributed to the several counties, the existence of said law was known to but few of the county auditors in time to enter said tax upon the duplicate of that year, but was assessed, collected and paid into the state treasury by the counties of Cuyahoga, Lorain, Shelby and Champaign, and been distributed with the state common school fund, arising from other sources, to all the counties of the state, in proportion to population; and, whereas, by an act passed March seventh, one thousand eight hundred and forty two, the amount paid by the counties of Cuyahoga, Lorain and Shelby, was appropriated to those counties for school purposes, to be paid out of any money in the treasury not otherwise appropriated, which has since been paid in pursuance of said law; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the auditor of state, on demand being made by the treasurer of Champaign county, to draw an order on the treasurer of state, in favor of the treasurer of Champaign county, for the use of schools in said county, for the sum of six hundred and fourteen dollars and forty seven cents, with interest thereon, from the fifteenth day of January, anno domini, one thousand eight hundred and thirty nine, at the rate of six per cent. per annum, till the date of such order.

AN ACT

To amend an act entitled "An act to incorporate the town of Leesburg," passed March 14, A. D., 1836.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the town of Leesburg, be and they are hereby authorized and empowered to levy such taxes as may be necessary for the payment of the existing debts of said town, not exceeding eight mills on the dollar on all property therein subject to taxation.

SEC. 2. There shall be elected at their annual election, on the second Tuesday of April next, an assessor or appraiser of real and personal property, who shall make out a true valuation in cash, of all property within the limits of said town, subject to taxation; which valuation or appraisement, shall be returnable to the said town council, before the first Monday of August, for the same year. Said appraiser shall take an oath to perform the duties of his office faithfully and impartially, and be subject to such liabilities as are provided for other officers by the act to which this is an amendment.

SEC. 3. Said town council shall meet as a board of equalization, on the first Monday of August, annually, to hear such appeals as the citizens of said town may make from the valuation of the assessor, and to correct the same as they may judge right and just. The recorder shall give at least ten days notice of such meeting of the council, by posting up notices in three public places within said town, setting forth the time and place of said meeting.

SEC. 4. Any thing in the act to which this is an amendment, inconsistent with the provisions of this act, shall be suspended until the existing debt of said town shall be paid, but no longer.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To legalize the survey of the town of Troy, (now Hockingport,) in the county of Athens, made under the direction of the agent of the Ohio Company, in 1813.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the survey of the town of Troy, (now Hockingport,) made in one thousand eight hundred and thirteen, by William R. Putnam, under the direction and superintendence of the agent of the Ohio Company, and duly recorded in the books of said company, shall be held as good and valid, to all *intents* and purposes, as if the same had been surveyed by the county surveyor of the county of Athens, and recorded according to the terms of the act entitled "an act providing for the recording of town plats," passed February fourteenth, one thousand eight hundred and five.

SEC. 2. That the recorder of the county of Athens is hereby authorized to receive, and admit to record, a copy of the survey and plat of the said town of Troy, surveyed by William R. Putman, in one thousand eight hundred and thirteen, and recorded in the books of the company, at their office, in Marietta; provided, that the copy of said survey and plat shall be proven to be a true copy, by the affidavit of the agent of said company, or such other person having charge of said books, and that survey and plat, so recorded, shall be valid, and have the effect in law and equity as if the same had been surveyed and recorded, according to the provisions of an act entitled "an act providing for recording of town plats," passed March third, one thousand eight hundred and thirty one, and the several acts supplementary thereto.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Freeman's Building Society, of Williamsfield.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Robert Braden, Bartlett Leonard, Gurdon Leffingwell, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Freeman's Building Society, of Williamsfield, in the county of Ashtabula, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and subject to all the restrictions of, the "act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That the first meeting under this act may be convened on ten days notice, by a majority of the corporators aforesaid, posted up at three public places in the vicinity of said society.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To extend the corporate limits of the town of Woodsfield, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the corporate limits, of the town of Woodsfield, be and the same is hereby extended one hundred and twenty feet, in every direction, beyond the existing corporate limits of said town.

SEC. 2. That the town council of said town shall be authorized to pass an ordinance, or ordinances, requiring the owners of lots in said town to grade or pave the sidewalks in front of their respective lots, and, upon the failure of such owners to comply with such ordinance, said council may empower the street commissioners to make such improvements, and collect the amount so expended, in making such improvement, off the owners of such lots.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Harmar Band, No. 1, in the township of Marietta, in the county of Washington.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Stephen Newton, J. W. Gates, Jonathan D. Hoff, Oscar D. Chapin, and those who may hereafter be associated with them, and their successors, be and they are hereby created a body corporate and politic, by the name of the Harmar Band, No. one, Marietta, in the county of Washington, and shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The above incorporators, or a majority of them, shall give ten days notice by posting up written or printed advertisements in three of the most public places within the limits of said society, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To lay out and establish a graded State Road, in the counties of Columbiana and Stark.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Elisha Teeters and Joseph Harvey, of Stark county, and John Ellser, of Columbiana county, be and they are hereby appointed commissioners, and Abijah McLean, surveyor, of the county of Columbiana, to lay out and establish a graded state road, commencing at Westville, in Columbiana county; thence west, to where the Mahoning crosses the north line of section thirty two, in Smith township; thence to Fredonia, in Stark county; thence west, on the section line between section twenty three and twenty six; thence west, on the section line between section twenty four and twenty five, in Marlborough township, so near as practicable; thence west to Uniontown, in Stark county.

SEC. 2. That this road shall in no case exceed a grade of five degrees.

SEC. 3. That the commissioners and surveyor aforesaid, shall, in all respects, be governed by the law in force, defining the manner of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 4. That should any vacancy occur in said board of commissioners, by death, removal or otherwise, the commissioners of the county in which such vacancy may happen, shall, on being notified thereof, fill the same as often as it may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To lay out and established a State Road in the counties of Monroe and Washington.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Jones, of Monroe county, Stillman Harvey, and Elliott Collins, of Washington county, be and they are hereby appointed commissioners, and Richard Warfield, of Monroe county, surveyor, to lay out and establish a graded state road, commencing at or near Mr. Denney's, in Washington county, where the clay turnpike crosses the Ohio river; thence to the mouth of Bear run; thence, to take the dividing ridge between Fifteen creek and Winget's run, to the residence of Thomas Masters; thence to Morgan Jones'; thence to the town of Bethel; thence, the nearest and best route, to Summerfield; provided, said road shall not exceed six degrees from a horizontal plane.

SEC. 2. That said commissioners, and surveyor, shall be governed by the laws now in force relating to laying out and establishing state roads.

SEC. 3. That the commissioners of the county, in which any vacancy may occur, by death, resignation, or otherwise, are hereby required to fill the same.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To lay out and establish a State Road, in in the counties of Vanwert, Mercer and Allen.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Cyrenius Elliott, of Vanwert county, John S. Huston, of Mercer county, and Robert J. Skinner, of Allen county, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at Vanwert, in the county of Vanwert; thence in a southerly direction, on the Vanwert and Jennings road, as near as suitable ground can be found, to the south end of said road; thence on the nearest and best ground to the bridge on the Guilford and Jennings road, on the south prairie; thence on the nearest and best route or ground to the deep cut on the Miami extension canal, in Mercer county; thence on the nearest and best ground to the residence of Thomas Williams, on the Auglaize river; thence on the nearest and best ground to Waupaukonnetta, in Allen county.

SEC. 2. The commissioners aforesaid shall be governed, in all respects, by the laws now in force defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. That should a vacancy occur in any of the foregoing appointments by death, resignation, removal or otherwise, the commissioners of the county in which such vacancy may happen, shall, on being notified thereof, fill the same as often as it may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To lay out and establish a State Road, in the counties of Athens and Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Asa Dudley and Jehiel Frazie, of the county of Jackson, and Nimrod Daily, of Athens county, be and they are hereby appointed commissioners to lay out and establish a state road, as follows, to wit: commencing at the town of Albany, in Athens county; from thence, running the nearest and best route, to or near Stephen C. Akens mill, in Vinton township, in Athens county; thence, the nearest and best route to the town of Jackson, in Jackson county.

SEC. 2. That the commissioners aforesaid, shall be governed in all respects, by the laws now in force establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. Should a vacancy happen in any of the aforesaid commissioners, by death, resignation, or otherwise, the commissioners of the county, in which such vacancy may happen, shall, on being notified thereof, fill the same as often as it may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Minster Fire Company Association.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John M. Drees, Francis Spreke, Henry Knostman, and Henry Zurnbink, and those who may hereafter be associated with them, are hereby made a body politic and corporate, for the purpose of extinguishing fires, and for the relief of the distressed by fire, under the name and style of the Minster Fire Company Association, and by such name, and in their corporate capacity, may make contracts, may sue and be sued, may plead and be impleaded, answer and be answered unto, in all courts of this state having competent jurisdiction; may hold property, real and personal, whether by purchase, gift, or otherwise; may make and establish bylaws for their government, not inimical to the constitution of the United States, or of this state; may have a common seal, and alter or amend the same at their pleasure.

SEC. 2. That said association may be formed at any time after the passage of this act, and in the following manner, viz: by the election of a president, vice president, secretary, and treasurer; after the election, each officer to pay into the treasury the sum of one dollar, and likewise persons applying for membership, may be admitted by payment of one dollar into the treasury, which money may be applied to the relief of the distressed by

fire, or for any other purpose, pertaining to the object of said corporation, as they may express by their bylaws or otherwise; but the capital of said company shall not exceed five thousand dollars.

SEC. 3. Said corporation shall be subject to all the restrictions, limitations, and liabilities defined in the act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the North Miami Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Samuel B. Brown, Alexander Swaynie, Edwin Smith, and John W. Harris, of Montgomery county, Asahel Wright, James Fitton, Henry Ten Eick, William B. Stone, Thomas Dover and Demas Adams, jr., of Miami county, and their associates, be and they are hereby created a body corporate and politic, under the name of the North Miami Turnpike Company, for the purpose of constructing a turnpike road, commencing at the city of Dayton, in Montgomery county, and running thence, on the east side of the Great Miami river, to Piqua, in Miami county; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as the same may be modified or changed by this act.

SEC. 2. The capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. The above named corporators, as commissioners, or a majority of them, shall meet at such time and place as they may think proper to appoint, after the passage of this act, and proceed to organize the said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of said act of January seventh, one thousand eight hundred and seventeen.

SEC. 4. So soon as fifteen thousand dollars of stock shall be subscribed, the said commissioners shall call a meeting of the stockholders, in the manner prescribed in the third section of said act before named, for the election of seven directors for the government of said company.

SEC. 5. The said company is hereby authorized to demand and receive, from persons traveling said road, the following rates of toll, and in like proportion for a less distance, to wit:

For every four wheeled carriage or wagon, of any kind, drawn by one horse or other animal, twenty cents; and for every horse or other animal in addition, five cents;

For every two wheeled carriage of any kind, or sled, or sleigh, drawn by one horse or other animal, ten cents; and for every horse, or other animal, in addition, five cents;

For every horse and rider, five cents; and for every horse, mule, or ass, led or driven, six months old or upwards, three cents;

For every head of neat cattle, one cent; and for every head of sheep or swine, half a cent:

Provided, that such persons shall be exempt from paying tolls as are in the eleventh section of the before mentioned act exempted, saving only persons carrying public mails of the United States, which last persons shall not pass free as said act provides.

SEC. 6. The said company shall be authorized to demand and receive tolls at the above rates, whenever any five miles of their said road is finished, and in the same proportion for any distance exceeding five miles.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To establish a Free Turnpike Road from Westville, in Champaign county, through Sidney, in Shelby county, to St. Marys, in Mercer county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John L. Stevens, of Champaign county, John Mills and James A. Wells, of Shelby county, and Henry M. Helm, of Mercer county, be and they are hereby appointed commissioners, to lay out and establish a free turnpike road, from Westville, in Champaign county, through Sidney, in Shelby county, to St. Marys, in Mercer county, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint a superintendent, or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; they shall keep a record of their proceedings, and a majority shall be a quorum, and shall be competent to exercise any of the powers herein granted.

SEC. 3. The commissioners shall meet in the town of Sidney, in the county of Shelby, on the first Monday of April, one thousand eight hundred and forty three, or at any time within one month thereafter, and organize by choosing one of their members president of said board, and they shall take measures to view, locate and establish said road, and of all such locations they shall cause true copies to be filed in the auditor's office of the proper county.

Sec. 4. The commissioners shall have power to receive subscriptions, and donations, in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and at such places as will render the road most available for travel, and transportation; they shall also have power to purchase and procure all necessary implements, and fixtures, to preserve said road in repair.

Sec. 5. The tax levied for road purposes on all property within two miles of the road on each side thereof, shall be applied to the construction, and repair of the same, and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor, under the direction of said commissioners, or their agents for that purpose, at seventy five cents per day.

Sec. 6. So much of the taxes appropriated by this act, as shall be paid into the county treasuary, shall be computed by the county auditor, as accurately as may be, and paid over to said commissioners, or their agent, and all taxes so computed by the county aditor, shall be expended on said road in the county where collected.

Sec. 7. It shall be the duty of the county auditors, of the respective counties through which said road shall pass, in computing the portion of road tax that may have accrued within the aforesaid limits, on each side of said road to embrace the whole of any tract of land, not exceeding one hundred and sixty acres, of which any part shall be within said limits, and for all duties performed by them under this act, shall be allowed the same fees as are allowed by law for similar services in other cases.

Sec. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to convey the same in fee simple; they may take release of the right of way, and they shall expend the money in their hands only on such parts of the road the location of which shall have been permanently established.

Sec. 9. The said commissioners and their successors, shall be a corporation by the name of the trustees of the Westville, Sidney and St. Marys road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or to the bridges thereon; and the fines and damages collected on such prosecutions, shall be for the benefit of said road, and shall be paid to said trustees.

Sec. 10. The said trustees shall, annually, in the month of January, make a full settlement of all their receipts and expenditures under this act, and publish an account thereof in some newspaper on the line of said road, and also deposit a copy thereof in the auditor's office in each county through which said road may pass.

Sec. 11. The supervisor of any road district, through which any part of said road road may pass, shall be, and he is hereby, authorized to appropriate any portion of the two day's labor within his district, which he may deem expedient to the construction, preservation, or repair of said road; provided, always, that such labor shall be under the direction of said trustees or their agent.

Sec. 12. There shall be levied, annually, for road purposes, a tax of two mills upon each dollar, of the property entered on the duplicate for taxation in the county of Mercer, and the commissioners of said county may

increase the levy to three mills, when, in their opinion, the interest of the county may require it.

SEC. 13. The commissioners of said road shall be allowed their reasonable personal expenses, when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county in which such vacancy may happen, on being notified thereof, shall fill the same as often as it may occur.

SEC. 14. The expenses of surveying and locating said road, and other expenses incidental to the construction, preservation, superintendence, and repair of said road, shall be paid out of the funds appropriated by this act, to the construction, preservation, and repair of the same.

SEC. 15. All claims for damages, arising out of the location of said road, shall be settled in the manner prescribed by the "act for opening and regulating roads and highways," and all damages, assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will be equal to the amount of damages assessed.

SEC. 16. This act to take effect from and after its passage.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To amend the "Act to incorporate the Miami and Montgomery Turnpike Company," passed March 27, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so soon as any five miles of the turnpike road, constructed by the Miami and Montgomery Turnpike Company, is finished, the said company shall have the right to erect a toll gate thereon, and to receive and collect half the amount of tolls now authorized by their charter to be charged for ten miles; and, also, to receive and collect tolls in the same proportion for any distance more than five miles, and less than ten miles.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

Relating to the establishment of a Turnpike gate on the Cincinnati, Columbus and Wooster turnpike road, in the town of Fulton, Hamilton county.

Whereas, it is represented to this General Assembly, by petitions numerously signed by the citizens of Fulton, Hamilton county, that they have been for many years an incorporated town, and that the Cincinnati, Columbus and Wooster turnpike company's road runs through the centre of said town, and to their great inconvenience the said company have erected a gate for the receipt of tolls, in the centre of said town; and, whereas, said gate was erected by fraud and misrepresentation of the directors; and, whereas, the tolls exacted from the people of the town of Fulton is a grievous burden, in addition to the taxes already imposed upon them, for road purposes in said town; and, whereas, said gate is barricaded and locked at night, and the citizens of Fulton have four engines, two of which are above and two below the gate; and, whereas, said town is a manufacturing and mechanical town, and fires are of frequent occurrence, and the only thoroughfare for said engines being along said road; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the toll gate, which is erected on the Cincinnati, Columbus and Wooster turnpike, in the town of Fulton, in Hamilton county, shall, from and after the passage of this act, be kept unlocked at night, and that the citizens of the town of Fulton shall be permitted to pass through said gate, at all times, free of charge.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the German Catholic Cemetery Association, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Francis Eichenlaub, Valentine Ziegler, Bernhard Knapke, Francis Hoffer, Bernhard St. Ombusch, their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the German Catholic Cemetery Association, of Cincinnati, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, also, an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand

eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give notice of the time and place of their first meeting under this act, by advertisement in some newspaper printed and in general circulation in said city.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Methodist Episcopal Church, of Mentor, in the county of Lake.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Isaac Sawyer, James Prouty, Levi Kerr, Erastus Parmly, Harry Holmes, their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the Methodist Episcopal Church, of Mentor, in the county of Lake, and, as such, shall be entitled to all the rights, privileges and immunities, and be subject to all the restrictions of, the act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of the act entitled an "act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give at least ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places in said township.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the First Congregational Church, in Hartford township, in the county of Trumbull.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Philo Borden, John Keep, Russel Borden, and their associates and successors, be and they are hereby created a body politic and corporate by the name of the First Congregational Church, in Hartford township, in the county of Trumbull, and, as such shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said society shall give ten days notice, by posting up written or printed advertisements in three of the most public places in said township, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Trinity Church, of Lyme, Huron county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Stephen Sawyer and John Rowcliff, wardens, and Caleb C. Williams, Richard L. McCurdy, Benjamin Fish, and Jonathan Prentice, vestrymen, and their associates, be and they are hereby created a body politic and corporate by the name and style of the Trinity Church of Lyme, Huron county, and, as such, shall be entitled to all the rights, privileges and immunities granted, and subject to all the restrictions imposed by an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seven, one thousand eight hundred and forty two.

SEC. 2. That said corporators, or a majority of them, shall give at least ten days notice by posting up written or printed advertisements in three of the most public places in said town, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Methodist Episcopal Church, of Nelsonville, in the county of Athens.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Ebenezer Fennimore, Robert Miller, Thomas L. Mintun, John Hull, David Bush, Joseph Allen, Christopher S. Kinney, Robert Jackson, Benjamin F. Harper, their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the Methodist Episcopal Church, of Nelsonville, in the county of Athens, and, as such, shall be entitled to all the rights and privileges, and immunities granted, and subject to all the restrictions imposed, by an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and also, of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give ten days notice, by posting up written or printed advertisements in three of the most public places within the limits of said church, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To amend the act entitled "An act to incorporate the First Methodist Church, of Massillon, in Stark county," passed March 20, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the corporate name of the First Methodist Church, of Massillon, in Stark county, be and the same is hereby changed to that of the First Methodist Episcopal Church, of Massillon, in Stark county; and, by such name, shall be entitled to all the rights and privileges granted by, and shall be subject to the restrictions of, the act to which this is an amendment.

SEC. 2. That said corporation shall be entitled to hold all property heretofore conveyed to, or acquired by said corporation, and shall be liable for all debts contracted under its former name, which are now, or shall hereafter become due and remain unpaid; provided, that no suit commenced against said corporation, shall abate on account of said change of name.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the Christian Church, at South Fork Feeder, in Licking county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Gilmore, William Dewes, James Pugh, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the Christian Church at the South Fork Feeder, in Licking county, and be entitled to all the rights, privileges, and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the First Presbyterian Church, of Marshalsville, in the county of Wayne.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Miller, William Metsker, Benjamin Cunningham, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the First Presbyterian Church of Marshalsville, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and an act entitled "an act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That the first meeting under this act may be convened on ten days notice, by a majority of the corporators aforesaid, posted at three public places in the vicinity of said church.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To incorporate the town of Chesterfield, in the county of Athens.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the township of Marion, in the county of Athens, as now is, or hereafter may be included in the recorded limits of the town of Chesterfield, be and the same is hereby created a town corporate, and shall hereafter be known by the name of Chesterfield; and shall in all respects be governed by the provisions of an act entitled "an act for the regulation of incorporated towns," passed February sixteen, one thousand eight hundred and thirty nine.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

AN ACT

To divorce John A. Ackley from his wife, Caroline Ackley.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the marriage contract, heretofore [existing] between John A. Ackley and his wife, Caroline Ackley, be and the same is hereby dissolved; provided, that nothing herein contained shall be construed to absolve the said John A. Ackley from his existing obligation to provide comfortable support for said Caroline Ackley.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the New Paris Musical Institute, of Preble county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That J. B. McCord, James S. Cottom, John Magill, Lewis S. Davis, and those who may hereafter be associated with them, and their successors, be and they are hereby created a body politic and corporate, by the name of the New Paris Musical Institute, of Preble county, and shall have all the rights and privileges, and be subject to all the restrictions defined in the act entitled "an an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The above corporators, or a majority of them, shall give ten days notice by posting up written or printed advertisements in three of the most public places within the limits of said society, of their first meeting under the provisions of this act.

SEC. 3. The above corporators, and those who may hereafter be associated with them, and their successors, shall be individually liable for the debts of the association.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To authorize the sale of School Section Sixteen, in Hicksville township, in the county of Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section number sixteen, in township number four, north, of range number one, east, in Williams county, (being in the organized township of Hicksville, in said county) be and the same is hereby authorized to be sold, and such sale shall be governed, in all things, by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, anno domini, one thousand eight hundred and forty three; provided, that said lands shall not be sold for a sum less than three dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Massillon Young Men's Polemic Society, in Stark county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Danner, Edward Rawson, C. F. Uhl, and John Tennis, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Massillon Young Men's Polemic Society, in Stark county, and, by such name, to be entitled to all the privileges and rights granted by, and be subject to all the restrictions and limitations defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh one thousand eight hundred and forty two.

SEC. 2. That the above incorporators, or a majority of them, shall give ten days previous notice, by posting up written or printed advertisements in three of the most public places in the town of Massillon, in Stark county, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To authorize the sale of School Section Sixteen, in township thirteen, and range one, east, in Darke county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixteen, in township thirteen, and range one, east, in Darke county, be and same is hereby authorized to be sold according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three; provided, that said premises shall not be sold at less than five dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Mechanic's Lyceum and Library Association of the town of Warren, in the county of Trumbull.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That George Austin, William McFarland, James H. C. Johnson, James Hoyt, George R. Brewster, William Williams, A. W. Plattenbury, David B. Gilman, Charles Messenger, T. W. Gordon, Charles B. Hunt, David Ernest, and their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Mechanic's Lyceum and Library Association, of Warren, in the county of Trumbull; and shall have all the rights, powers and privileges, granted by, and be subject to all the restrictions contained in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That the stockholders of said corporation shall give at least ten days notice of their first meeting under this act, by posting up advertisements in three of the most public places in the township of Warren.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To authorize the sale of School Section No. 16, in township No. 3, north, of range No. 1, east, in Paulding county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That school section number sixteen, in township number three, north, of range one, east, in the county of Paulding, be and the same is hereby authorized to be sold, and such sale shall be governed, in all things by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, anno domini, one thousand eight hundred and forty three; provided said lands shall not be sold at less than three dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Bank of Chillicothe.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Cadwallader Wallace, George W. Dun, Eleazer P. Kendrick, their associates and successors, be and they are hereby created a body politic and corporate by the name of the Bank of Chillicothe, for the term of fifteen years from the first day of May, one thousand eight hundred and forty three, to be located in the city of Chillicothe, in the county of Ross, in this state, and to be entitled to all the powers and privileges, and be subject to all the duties, liabilities, restrictions and requirements of the act entitled "an act to regulate banking in Ohio," passed March seventh, one thousand eight hundred and forty two, and the act amendatory thereto, passed February twenty first, one thousand eight hundred and fortythree; the capital stock of which corporation, shall consist of thirty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to two hundred thousand dollars, provided said company shall organize and commence business on or before the first day of September, one thousand eight hundred and forty three, otherwise this act to be null and void.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Ohio Mutual Fire Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Leander Ransom, A. Chittenden, William L. Casey, Heman A. Moore, Adin G. Hibbs, John C. Work, Wm. B. Hubbard, S. D. Preston, G. M. Herancourt, and all other persons who may hereafter become members of said company, in the manner herein prescribed, be and they are hereby incorporated and made a body politic, by the name of the Ohio Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses, stores, and other buildings, household furniture, merchandize and other personal property, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this or of any of the United States; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of record, or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate, as may be necessary to effect the objects of their association, and the same may sell and convey at pleasure; may make, establish and put in execution, such bylaws, ordinances and resolutions, not being contrary to the laws of this state, or of the United States, as may seem necessary or convenient for their government, and the management of their affairs; and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this act.

SEC. 2. That every person who shall, at any time, become interested in said company, by insuring therein; and, also, their respective heirs, executors, administrators, and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer; and shall, at all times, be concluded and bound by the provisions of this act.

SEC. 3. There shall be a meeting of said company at Columbus, in the county of Franklin, on the first Wednesday of December, annually, or on such other day as the said company may hereafter determine, at which first annual meeting shall be chosen, by a major vote of the members present, and by proxy, a board of directors, consisting of not more than fifteen nor less than nine members, who shall continue in office until others have been chosen, and accepted the trust in their stead. In all vacancies happening in said board, another director shall be chosen by a majority of the directors present, at any regular meeting of the same; which director, so chosen, shall remain in office during the term for which the vacating director was elected. At their first regular meeting, the board of directors shall class themselves, by lot, into three classes of an equal number, each, the terms of whose service shall respectively expire as follows: the first class in one year, the second class in two years, and the third class in three years; and after the termination of the first named period, one third of the directors shall be elected annually, commencing with the second class.—Special meetings of the company may be called by order of the directors, or in such other mode as the bylaws may prescribe.

Sec. 4. The board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and all matters and things thereunto relating, not otherwise provided for by said company; and a majority of the whole number shall constitute a quorum for the transaction of business. They shall have power, from time to time, to appoint a secretary, treasurer and such other officers, agents and assistants as to them may seem necessary; prescribe their duties, fix their compensation, and take such security from them as they may deem necessary for the faithful performance of their respective duties. They shall determine the rates of insurance, the sum to be insured on any building or other property, not exceeding two thirds of its value, the amount of the premium note to be given for the insurance thereof, and shall direct the making and issuing of all policies of insurance, the providing of books, stationery, and other things needful for the office of said company, and for carrying on the affairs thereof; and may draw upon the treasurer for the payment of all loans which may have been allowed, and for expenses incurred in transacting the concerns of said company. They shall elect one of their own number, to act as president; may hold their meetings as often as they may deem necessary for transacting the business of the company, and shall keep a record of their proceedings; and any director disagreeing with a majority of the board at any meeting, may enter his dissent, with his reasons therefor, on record.

Sec. 5. Insurances shall be made in all cases, upon the representation of the assured, contained in his application therefor, and signed by him or his attorney, in fact; which representation, shall, in fairness and good faith, state all the material circumstances within his knowledge, which may affect the risk; provided, that in all cases of loss and damage by fire, the valuation of the property at the time of such loss and damage, shall be determined by the award of three impartial men, one to be selected by each of the parties, and the third by the two thus chosen.

Sec. 6. Every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum or sums of money, as shall be determined by the directors, a part, not exceeding ten per cent., of which note, shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and the formation of a cash fund, to meet losses promptly; and the remainder of said deposit note shall be payable in part, or the whole, at any time when the directors shall deem the same requisite, for the payment of losses and other expenses; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

Sec. 7. Every member of said company shall be, and hereby is, bound to pay his proportion of all losses and expenses happening, or accruing in, and to said company; and all buildings insured by, and with said company, together with the right, title and interest of the assured, to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the assured, during the continuance of his, her or their policies, and until all arrearages due for losses and expenses, shall have been fully paid.

SEC. 8. In case of any loss or damage by fire, happening to any member, upon property insured in, and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened, accompanied with such proof of the same as the bylaws may have prescribed; and the directors, upon a view of said loss or damage, or in such other way as they may deem proper, shall ascertain and determine the amount of the same, and if the party suffering, is not satisfied with the determination of the directors, the question may be submitted to referees, as provided for in the fifth section of this act, or the said party may bring an action against said company, for said loss or damage, at the next court to be holden in and for the county of Franklin, and not afterwards, unless said court shall be holden within sixty days after said determination, but if holden within that time, then at the next court holden in said county, thereafter; and if, upon trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering, shall have judgment therefor, against said company, with costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become nonsuit, and the said company shall recover their costs; provided, however, that the judgment last mentioned, shall in no wise affect the claim of said suffering party to the amount of loss or damage, as determined by the directors, aforesaid; and, provided also, that execution shall not issue on any judgment against said company, until after the expiration of three months from the rendition thereof.

SEC. 9. The directors shall, after ascertaining the loss or damage sustained by any member, for which the company is liable, or after the rendition of any judgment as aforesaid, settle and determine the rate of assessment for such loss or damage, to which the members of said company are liable, as their respective portions of the same; and such assessment shall always be in proportion to the original amount of his, her or their, premium note or notes; and when the directors shall have ordered an assessment or assessments, to be paid, they shall publish said order in such way as they may see fit, or as the bylaws may have prescribed; and the same, payable by the several members, shall be paid to the treasurer within thirty days next after the publication of said order. And if any member shall neglect or refuse the payment of any assessment or assessments, duly ordered by the directors of said company, for the term of thirty days after the same shall have become payable, agreeable to public notice by the treasurer, the party so in default shall be excluded and debarred, and shall lose all benefit and advantage of his, her or their insurance, or insurances respectively, for and during the term of such default, or nonpayment, and, notwithstanding, shall be liable and obliged to pay all assessments that shall be made during the continuance of his, her or their policies of insurance; and the directors may also, after such neglect or refusal to pay as aforesaid, sue for and recover the whole amount of the premium note or notes, of such delinquents, with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of all losses and expenses that may accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days, from the term for which insurance was made.

SEC. 10. That in case it shall become necessary to resort to the lien, on the property insured, after the refusal or neglect of the insured, or his legal representative, to pay the assessment, or assessments due, the said company may sustain an action on the deposit note, as hereinbefore provided, and their execution may be levied on the insured premises; and the officer making the levy may sell the whole, or any part thereof, at auction, giving notice and proceeding in the same manner, as is required in sales under execution, or said company may proceed in equity, at its option. In all suits by, or against, said company, any member of said company shall be perfectly competent to act, whether he be judge of the supreme or county courts of this state, witness, juror, sheriff, or other officer, except in suits in which he, or she, shall be directly a party, provided that such member shall not be otherwise disqualified; and the records of said company, or copies thereof duly authenticated by the signatures of the president, and secretary, or the publisher of any newspaper in which the orders of the directors may be published, shall be deemed and taken as competent evidence, in any suit in which said company may be a party.

SEC. 11. Said company may make insurance for any term not exceeding ten years, and any policy of insurance, issued by said company, signed by the president, and countersigned by the secretary, shall be deemed valid, and binding on said company, in all cases where the assured has a title in fee simple, unincumbered, to the building or buildings insured, and to the land covered by the same, and has complied fully with the conditions of his insurance; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the assured, and the incumbrances on the premises, be expressed in the application for insurance, and shall also be void, in cases where the assured has not complied with the conditions on which his policy was issued, as hereinbefore mentioned and provided for.

SEC. 12. The directors shall adjust, and settle all losses, within three months after they shall have been notified of the same as aforesaid, unless they shall judge it proper, within that time to rebuild the building or buildings destroyed, or repair the damages sustained, which they are empowered to do, in convenient time; provided, they do not lay out and expend in such building, or repairs, more than the sum insured on the premises, but no allowance is to be made in any case, in estimating damages, for gilding, historical or landscape painting, stucco or carved work, nor are the same to be replaced if destroyed by fire.

SEC. 13. In all cases where real, or personal property, insured in and by said company, shall become alienated by sale, by change in partnership, or ownership, or in any manner whatever, the policies issued thereon shall be void, and shall be surrendered to said company to be canceled, and upon such surrender, and the payment of the proper proportion of all losses, and expenses, up to the time of such surrender, the assured shall be entitled to receive his, her, or their deposit note, and said company shall not be liable for any loss, or damage, which may happen to any property after such alienation as aforesaid, unless the policies issued thereon shall have been duly assigned or confirmed, by the consent of the directors, to the actual owner, or owners thereof, previous to such loss or damage; provided, however, that the grantee, or alienee, having the policy assigned to him, may have the same ratified and confirmed to him, her, or them, for

his, her, or their own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security to the said directors, and to their satisfaction for such portion of the deposit note as shall remain unpaid; and by such ratification and confirmation, the party, causing the same, shall be entitled to all the rights and privileges, and subject to all the liabilities, to which the original party insured was entitled and subjected under this act; and no policy, issued by said company, shall be deemed to have been duly assigned or confirmed, unless the consent of the directors to such assignment or confirmation is certified on such policy, by the secretary of said company.

Sec. 14. If an alteration shall be made in any building by the proprietor thereof, after insurance has been made thereon, in and with said company, whereby it may be exposed to greater risk and hazard from fire than it was at the time it was insured, then, and in every such case, the insurance made upon such building, or personal property therein, shall be void, unless an additional premium note, after such alteration, be settled with and paid to the directors; but no alteration or repairs in buildings, not increasing such risk or hazard, shall in any wise affect the insurance previously made thereon.

Sec. 15. If insurance on any building, or personal property, shall be and subsist in said company, and in any other office, or officers, or from and by any other person, or persons, at the same time, the insurance made in and by said company, shall be deemed and become void, unless such double insurance subsist by and with the consent of the directors, signified by certificates on the policy, signed by the president, and secretary, or expressed on the face of the policy.

Sec. 16. The company hereby created, shall not be concerned in any trade or other business, except the insurance of property against loss, and damage by fire, nor shall said company, by any possible construction of the powers granted in this act, exercise any banking privileges whatever; and this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the ends and purposes hereby intended and contemplated.

Sec. 17. The directors may order the collection of such assessments, as they may make, as often as the convenience and interest of sufferers may require, or, as the bylaws may have prescribed; and, in order that losses may be paid with promptness, and certainty, the directors are hereby authorized to borrow, on the credit of the company, such sum, or sums of money, as may be required to meet the losses and expenses sustained and allowed; and in making the assessments up for collection, the interest on money borrowed, and also all necessary incidental expenses, shall be included in such assessments. For the security of prompt payment of the losses as aforesaid, the premium or deposit notes of the company are hereby irrevocably pledged.

Sec. 18. Each and every member of said company shall be entitled to and allowed an examination of the books, papers and general transactions of said company, upon application therefor to the secretary.

Sec. 19. It shall be the duty of the president of said company to make an annual report of its affairs to the members thereof, in such manner as the directors or bylaws may prescribe.

SEC. 20. The individuals named in the first section of this act, shall be and they are hereby constituted a board of directors for said company, to serve as such until the first annual election of directors, herein provided for; they shall have power, if they think fit, to increase their number to fifteen, as allowed in the third section of this act, from among the members of said company; and all vacancies occurring in their body may be filled by the remaining members thereof, and a majority of their number, at any time, shall constitute a quorum for the transaction of business; they may call the first annual meeting of the members of said company, at any suitable time, at Columbus, by advertisement in the several newspapers printed in said town, giving at least ten days notice of the place, time and design, of the meeting; they may make and establish bylaws for the government of said company, until the first annual meeting thereof, and may transact any business necessary and proper to carry into effect the provisions and intentions of this act; provided, however, that no policy shall be issued by said company, until his excellency, the governor of the state, shall have made proclamation that application has been made for insurance, in said company, to the amount of fifty thousand dollars, at least, of which notice shall be given him by the directors.

SEC. 21. This act shall take effect from and after its passage, and shall be subject to amendment or repeal at the pleasure of this or any future general assembly of this state.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Highland County Mutual Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Samuel Bell, Benjamin H. Johnson, Joseph J. McDowell, John W. Price, David Miller, Foreman Evans, R. D. Lilly, Samuel E. Hibben, D. P. Inskeep, Robert Stuart, and all other persons who may hereafter, and in the manner herein prescribed, become associated with them, be and they are hereby incorporated, and made a body corporate and politic, by the name and style of the Highland county Mutual Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, machinery, and merchandize, against loss or damage from fire, whether the same shall happen from accident, lightning, or any other means, except that of design in the insured, or by invasion of an enemy, or insurrection of the citizens of the United States, and, by that name, may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court of competent jurisdiction, in this state or elsewhere, may have and use a common seal, may purchase and hold such real and personal estate as may be necessary to carry into effect the objects of their

association, and may sell and convey the same at pleasure, may make, establish, and put in execution such bylaws, ordinances, and regulations, as may be necessary or convenient for their government, and for the management of their affairs, not incompatible with the constitution and laws of the state and of the United States.

SEC. 2. That all and every person or persons, who shall, at any time, become interested in said company, by insuring therein, and, also, their respective heirs, executors, administrators, and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall, at any time, be concluded and bound by the provisions of this act.

SEC. 3. There shall be a meeting of said company at Hillsborough, in the county of Highland, on the first Monday of June, annually, or on such other day, or at such other place as the said company may hereafter determine, of which twenty days previous notice shall be given, by publication in some newspaper printed in the said county of Highland, and of general circulation therein, or by putting up public notices in at least five public places in said county of Highland, stating the time, place, and objects of said meeting, at which meeting shall be chosen, by ballot, by a majority of the members present, a board of directors, consisting of nine members, who shall continue in office till others have been elected, and accepted the trust in their stead; all vacancies happening in said board may be filled by the remaining directors until the next annual meeting, and special meetings of the company may be called by the board of directors, or in such other manner as the bylaws of said company may prescribe.

SEC. 4. The board of directors shall superintend the concerns of said company, and have the management of the funds and property thereof, and of all the matters and things thereunto relating, and not otherwise provided for by said company; they shall have power, from time to time, to appoint a secretary, treasurer, and such other officers, agents, and assistants, as to them may seem necessary, delegate to them any powers in themselves vested, and prescribe their duties, fix their compensation, take such security from them as they may deem necessary for the faithful performance of their respective duties, and may remove them for good cause; they shall determine the rates of insurance, the sum to be insured on any building, or other property, and the sum to be deposited for the insurance thereof; they shall order and direct the making and issuing of all policies of insurance, the providing of all books and stationery, and other things needful for the officers of said company, and for carrying on the affairs thereof, and may draw on the treasurer for the payment of all losses which may have happened, and for the expenses which have been incurred, or shall be necessary in transacting the business of said company; they shall elect one of their number to act as president; they may hold their meetings quarterly, and oftener if necessary, and shall keep a record of their proceedings, which shall be, at all times, open to the inspection of the members of said company.

SEC. 5. That every person, who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, a part, not exceeding six per cent. of said note, shall be immediately paid, for the purpose of discharging the incidental expenses of

the institution, and the remainder of said deposit note shall be payable, in whole or in part, at any time when the said directors shall deem the same requisite for the payment of losses, or other expenses; and, at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the signer thereof.

SEC. 6. That any member of said company shall be and is hereby bound and obliged to pay his portion of all losses and expenses, happening or accruing in or to said company, to the amount of his, her, or their deposit note or notes, and no further; and all buildings insured by and with said company, together with the rights, title, and interest of the insured, to the land on which they stand, shall be pledged to said company, and the said company shall have a lien thereon, against the insured, to the amount of said deposit note or notes, during the continuance of his, her, or their policies.

SEC. 7. That in case of any loss or damage by fire, happening to any member, upon property insured by and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or to the secretary of said company, within thirty days from the time when said loss or damage may have happened; and the directors, upon view of the same, or in such other way as they shall deem proper, shall, within three months after the time of said notice, ascertain and determine the amount of said loss or damage; and if no such determination is made within three months, or, if the party suffering is not satisfied therewith, the question may be submitted to referees, or the said party may bring an action against said company, before any court having competent jurisdiction, at any time within six months, but not afterwards; and if, upon trial of said action, a greater sum shall not be recovered than the amount aforesaid, the said party shall become nonsuit, and shall pay the costs; provided, however, that the said judgment, last mentioned, shall, in no wise, affect the claim of said suffering party to the amount of loss or damage as determined by the directors aforesaid; and, provided also, that execution shall not issue on any judgment against said company until after the expiration of sixty days from the rendition thereof.

SEC. 8. That the directors, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining and determining the same, or after the rendition of any judgment, against said company, for said loss or damage, shall settle and determine the sum to be paid by the several members thereof, as their respective proportions of such loss or damage, and publish the same in such manner as they shall see fit, or as the bylaws of said company shall have prescribed; and the sum to be paid by each member shall always be in proportion to the amount of his, her, or their deposit note or notes, and shall be paid to the treasurer of said company within thirty days after the publication of said notice; and at the expiration of said thirty days, if any member or members shall have failed to pay the full sum assessed upon him, her, or them, as aforesaid, then, in such case, the said directors may sue for and recover the whole amount of his, her, or their note or notes with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have, or may thereafter occur, during the continuance of his, her, or their policies, and the balance, if any remain, shall be returned to the party or parties from whom it was collected, on demand,

after thirty days from the expiration of the term for which insurance was made.

Sec. 9. That if it shall ever so happen that the whole amount of said deposit notes should be insufficient to pay the loss occasioned by fire, in such case, sufferers, insured by said company, shall receive toward making good their respective losses a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured.

Sec. 10. That said company may make insurance for any time not exceeding ten years, and any policy of insurance, issued by said company, signed by the president and countersigned by the secretary, shall be valid and binding on said company, in all cases, when the insured has a title in fee simple unincumbered, to the building or buildings insured and to lands covered by the same; but if the insured has a less estate therein, or if the premises be incumbered, the policy shall be void unless the true title of the insured and the incumbrances of the premises be expressed therein, and in the application therefore.

Sec. 11. That when any house, building, or other property, insured by said company, shall be alienated by sale or otherwise, the policy shall, thereupon, be void, and be surrendered to the directors aforesaid to be canceled; and, upon such surrender, the insured shall be entitled to receive his, her, or their deposit note or notes, upon the payment of his, her, or their proportion of all losses and expenses that may have occurred prior to such surrender; provided, however, that the grantee or grantees, having the policy assigned to him, her, or them, may have the same ratified to him, her, or them, upon application to the directors, and with their consent, within thirty days after such alienation, on giving proper security to the satisfaction of said directors, for such portion of the deposit or premium note of the grantor as shall remain unpaid; and, by such ratification and confirmation, the party, causing the same, shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original party was entitled and subjected under this act.

Sec. 12. That if any alteration shall be made in the property insured by the proprietor thereof, after insurance thereon by said company, whereby it may be exposed to greater risk or hazard from fire, than it was at the time it was insured, then, and in every such case, the insurance upon such property shall be void, unless an additional premium and deposit, after such alteration, shall be settled and paid to the satisfaction of the directors or their agents, but no alterations or repairs, not increasing such risk or hazard, shall, in any wise, affect the insurance previously made thereon.

Sec. 13. That in case any building, situated upon leased ground, and insured by said company, shall be destroyed by fire, in such case, the directors may retain the amount of the premium note given for the insurance thereof, until the time for which such insurance was made shall have expired; and, at the expiration thereof, the insured shall have a right to demand and receive such part of said retained sum or sums, as have not been expended in losses or assessments.

Sec. 14. That if insurance on any property shall be and subsist in said company, and in any other company, or from and by any other person or persons, at the same time, the insurance, made in and by said company, shall be deemed and become void, unless such double insurance subsist

with the consent of said directors or their agents, signified by indorsement on the back of the policy, signed by the president and secretary.

Sec. 15. That the persons named as corporators, in the first section of this act, or any three of them, may, on giving twenty days notice of the time and place of meeting, in some newspaper printed in the county of Highland, proceed to organize said company by opening books and receiving proposals from persons wishing to be insured in said company, which proposals shall specify the amount and description of property to be insured; and the persons making such proposals shall, for the purpose of electing the first board of directors, be considered members of said company, and may forthwith, at the time and place last mentioned, proceed, by ballot, to elect, from the persons making said proposals, nine directors of said company, to serve till the regular annual election next thereafter, or until others have been chosen and accepted the trust in their stead; at which election, the said corporators, giving the notice above mentioned, or a majority of them, shall preside, receive and count the votes, and announce the result.

Sec. 16. That each and every one of the directors of said company shall, before he enters upon the duties of his office, give bond to the treasurer of Highland county, in the sum of three thousand dollars, with good and sufficient surety or sureties, to the satisfaction of said treasurer, conditioned for the faithful discharge of the duties of his office, agreeably to the regulations of this act, and on the complaint of any person who has been injured by the misconduct of any director or directors, it shall be the duty of said treasurer, to cause said bond to be put in suit, on receiving security to indemnify the said county against costs, and to certify to the court who is the prosecutor in such cause, and the said court may, on motion of the defendant in said cause, order the prosecutor to find sureties to indemnify the defendants for their costs, should he fail to prosecute or recover thereon, and if the defendants shall plead performance of the conditions of said bond, the prosecutor may reply to as many breaches respecting his interest as he shall think fit, and the jury, on trial of such issues as shall be put to them, shall assess damages for such breaches as the prosecutor shall prove, and the court shall enter up judgment for the whole penalty of the bond, and issue execution in favor of the prosecutor, for such sum as the jury shall have found the damages and costs, and the judgment shall remain for the benefit of such person or persons as may; by scire facias thereon, show that they have been injured by any breaches of the condition of said bond, and, if the prosecutor fail to recover, the court shall award costs to the defendant, and thereon issue execution against such prosecutor.

Sec. 17. That the directors of said company, shall have the privilege of insuring in any county in this state, and all such insurance shall be equally binding as if made within the county of Highland.

Sec. 18. Any future legislature may alter, amend, or repeal this act, when the public good requires it.

Sec. 19. That all members of said company be and they are hereby authorized and empowered to vote by proxy, at all regular and special meetings and elections of said company, subject, however, to such rules and regulations as may be adopted by said company.

Sec. 20. That, from and after the passage of this act, any member of this company, or of any other insurance company, now incorporated, or hereafter to be incorporated, shall, or may be admitted as a competent wit-

ness, and depositions used in the same manner as inhabitants of towns, townships, districts, precincts, or parishes, are, by law now admitted, and their depositions used.

Sec. 21. This act shall be received in all the courts of this state as a public act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To enable the administrators of Thomas Lloyd, to sell the real estate of said decedent in Ohio.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Albert M. Lloyd and E. G. Williams, administrators of the estate of Thomas Lloyd, late of Hartford, Connecticut, be and they are hereby authorized to sell and dispose of, the real estate of said decedent on such credit, (not exceeding five years payable in yearly instalments with interest) as the court of common pleas of the county in which any such real estate may be situated, shall direct and approve; provided such real estate shall be appraised and sold in all other respects in conformity to law, and said administrators shall give such additional security as may be required by the court confirming any sale made in pursuance of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To change the time of holding the court of Common Pleas in Hamilton county.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the civil term of the court of common pleas in the county of Hamilton, which now commences by law on the first Monday in June, shall hereafter commence on the third Monday in May, in each and every year.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

Empowering Nathan G. Sales to construct a certain Millrace, in Paulding county.

Whereas, the water of the Wabash and Erie Canal, discharged by the waste-weir, immediately below the reservoir, in Paulding county, overflows a large tract of land lying between said canal and the Maumee river, which land is principally owned by the state of Ohio; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby granted to Nathan G. Sales, of Paulding county, and to his heirs and assigns, the right and authority to construct and keep in repair a race, or waterway, from some proper point near a certain wasteweir on the Wabash and Erie canal, immediately below six mile reservoir, in Paulding county, across the lands of the state of Ohio, to the Maumee river, at or near the town of New Rochester, and to and upon lands of said Sales; and said Sales, his heirs and assigns, are further empowered to use the surplus and waste water discharged from said wasteweir, and to be concentrated and conducted in said race for hydraulic purposes; provided, said Sales shall acquire no right, under this act, to erect any fixtures upon the lands of the state of Ohio, except such as may be necessary to construct said race of sufficient size, and in manner suitable to conduct the water from said wasteweir to the said town of New Rochester, and to keep the same in repair, or to use or occupy the lands of the said state for any other purpose than to construct upon said lands the race aforesaid.

SEC. 2. That said race shall be located and surveyed under the direction and supervision of the member of the board of public works having in charge said Wabash and Erie canal, and by some engineer employed on said canal; provided, that any additional cost that may accrue, by such survey and location, shall be paid by said Sales; and provided further, that if said member shall, after examination, be of opinion that any lands belonging to the state would be injured, or in any way diminished in value, by constructing such race, then said member shall assess such damage which the said Nathan G. Sales shall be required to pay into the state treasury before he shall be permitted to construct said race.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1848.

AN ACT

To authorize Christian Huber to enter certain lands in the Ohio Canal Land Office, at Lima.

Whereas, Christian Huber, of Putnam county, did, on the twenty eighth day of July, A. D., one thousand eight hundred and thirty four, apply at the Ohio Canal land office, at Piqua, and enter and pay for the north half of the southeast quarter and southwest quarter of section number fifteen, in township number one, south, range number six, east, containing two hundred and forty acres; and, whereas, the said Christian Huber, applied to the same office on the twenty fifth day of October, A. D., one thousand eight hundred and thirty four, with the intent and expectation of locating the east half of the southeast quarter of the above mentioned section, but through a mistake of the said officers at Piqua land office, his papers were made out for the west half of the southwest quarter of said section, which is the land previously purchased by him, instead of the east half of the southeast quarter of said section, which he supposed he had purchased; and, whereas, the said Huber has sold the last mentioned section for which he paid his money, and to which he is justly entitled; therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Christian Huber, of Putnam county, be and he hereby is authorized to enter at the Ohio Lima land office, in Allen county, the east half of the southeast quarter of section number fifteen, in township number one, south, of range number six, east, on the same terms on which he applied for it on the twenty fifth day of October, A. D., one thousand eight hundred and thirty four, viz: at one dollar and twenty five cents per acre, and the money by him paid at that time, shall be applied to the payment of said tract.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To divide the Township of Millcreek, in the county of Hamilton, into election districts.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township of Millcreek, in the county of Hamilton, is hereby divided into two election districts, to be denominated the northern and southern precincts of Millcreek township, the boundary lines to be as follows, to wit: all that portion of Millcreek township, commencing at the southeast corner of section three; thence due north, to the northeast corner of section six; thence due west to the northwest corner of section thirty six; thence due south to the southwest corner of section thirty three; thence due east to the place of beginning, to be denominated the northern precinct of

Millcreek township, and all that portion of said township, bounded south by Storrs township and the city of Cincinnati, southeast and south, by Fulton, east by Columbia township, and north by the southern line of the northern precinct of said Millcreek township, and west by Green township, to be denominated the southern precinct of Millcreek township.

SEC. 2. It shall be the duty of the trustees of Millcreek township, to give thirty days notice of the time and place of holding elections in the precincts of said township, by posting up written or printed advertisements, in such number of places as to them will seem proper for the general information of the electors of said precincts.

SEC. 3. It shall be the duty of the electors, assembled at any election, to choose, viva voce, three suitable persons possessing the qualifications of an elector, to serve as judges of said election, who shall, previous to any votes being received, each take an oath, or affirmation, as provided for in the twentieth section of an act entitled "an act to regulate elections," passed February eighteenth, one thousand eight hundred and thirty one, and be governed in all respects in the discharge of their duties as judges of elections, by the provisions of an act entitled "an act to preserve the purity of elections," passed March twentieth, one thousand eight hundred and forty one.

SEC. 4. It shall be the duty of the judges chosen under the provisions of this act, to select one suitable person to serve as clerk of the election, and it shall be the duty of the electors assembled to elect viva voce, one other person to serve as assistant clerk of the election, each of which shall, before they enter upon the discharge of their duties, take the same oath and be governed by the same laws as recited by the third section of this act.

SEC. 5. The judges, and the clerk appointed by the judges, shall be governed in their election returns, and the charge of the ballot box, by the provisions of the before recited acts, and shall receive the same compensation for their services as is allowed to judges and clerks of elections, by law.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To amend the act entitled "An act to incorporate the city of Chillicothe in the state of Ohio," passed March 14, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act, the mayor of the city of Chillicothe shall be elected by the qualified voters of said city, on the second Monday in April, annually, and shall hold his office for the term of one year only.

SEC. 2. That hereafter the city marshal shall be elected by the qualified voters of the said city of Chillicothe, at the same time and place, and in

the same manner that the mayor and councilmen are or shall be elected, and shall hold his office for one year only; but, in case said office shall become vacant, by death, resignation, removal, or otherwise, the vacancy may be filled by the council.

SEC. 3. That so much of the fourth and nineteenth sections of the act to which this is an amendment, as are inconsistent with the provisions of this act, be and the same are hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To repeal the charter of the Town of Kalida, in the county of Putnam.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to incorporate the town of Kalida, in the county of Putnam," passed February twenty sixth one thousand eight hundred and forty, be and the same is hereby repealed; provided that the present members of the town council shall continue in office and retain the corporate name of said town for one year from the passage of this act, for the purpose of settling up the business of said corporation; provided further, that said town council shall not contract any new debts after the passage of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To amend the "act to incorporate the City of Columbus, in the state of Ohio," passed March 3, 1834.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the mayor, marshal, and members of the council, of the city of Columbus, in the county of Franklin, shall hereafter be elected annually, on the first Monday of April.

SEC. 2. So much of the "act to incorporate the city of Columbus, in the state of Ohio," passed March third, one thousand eight hundred and thirty

four, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

SEC. 3. That all elections under this act shall be conducted in all respects in accordance with the act to preserve the purity of elections.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Beverly Band, No. 1, in the township of Waterford, in the county of Washington.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That William Campbell, William McIntosh, G. L. Chamberlain, Francis Vinton and William Vinton, and those who may hereafter be associated with them, and their successors, be and they are hereby created a body corporate and politic by the name of the Beverly Band, No. 1, of Waterford, in the county of Washington; and shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March fifth, one thousand eight hundred and thirty nine, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The above incorporators, or a majority of them, shall give ten days notice by posting up written or printed advertisements in three of the most public places within the limits of said society, of their first meeting under the provisions of this act.

SEC. 3. The above incorporators, and those who may hereafter be associated with them, and their successors, shall be individually liable for the debts of the association.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Cedarville Manufacturing Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joseph Kyle, Samuel Bromingen, and Jacob McFarlan, and their associates, be and they are hereby constituted and declared to be a body politic and corporate, for twenty years, to be known and distinguished by the name and style of the Cedarville Manufacturing Company, and, by that name, they and their successors shall be a body politic and corporate, in law, capable of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, in all manner of suits, actions, cases, matters, and complaints whatsoever, and shall have and make a common seal, and alter the same at pleasure, and said company shall, in law, be capable of purchasing, receiving, holding, and enjoying, and of granting, selling, and conveying any estate, real, personal, and mixed, necessary for promoting the objects of said company, which object is hereby declared to be the manufacturing of cotton and woollen goods from the raw material, or any other kind of goods they may think proper.

SEC. 2. The stockholders shall have power to make such bylaws and rules for regulating the concerns of said company as they shall think necessary and expedient, respecting the management and disposition of the stock, property, and estate of said company, the duties of the officers, artificers, and agents, by them to be employed, the election of directors, and all such matters as appertain to the concerns of said company, provided that such bylaws be not inconsistent with the constitution of the United States, and of this State.

SEC. 3. That the capital stock of said company shall not exceed fifty thousand dollars, to be taken in shares of twenty five dollars each, to be subscribed for and paid at such time, and in such proportion as shall be prescribed by the bylaws and rules of said company; provided that the funds of said company shall not be applied to banking, or any other purposes than those designated in the first section of this act, and that the stock of said company shall be considered personal estate.

SEC. 4. The stockholders shall be jointly and severally held individually liable for all the debts of the corporation, and if they violate any one of the provisions of this act, such violation shall work an absolute forfeiture of all the powers hereby granted, without the intervention of judicial proceedings.

SEC. 5. That the said company shall have liberty, so soon as the sum of ten thousand dollars shall have been subscribed, to meet and elect their officers, and go into the possession of their chartered privileges.

SEC. 6. This act shall be taken and received in all courts of justice, and elsewhere, as a public act; and any future legislature shall have power to alter or modify this act, not thereby affecting the rights of individuals acquired under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To repeal the act entitled "An act to incorporate the village of Mechanicstown, in the county of Carroll," passed February 22, 1839.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act to incorporate the village of Mechanicstown, in the county of Carroll, passed February twenty two, one thousand eight hundred and thirty nine, be and the same is hereby repealed; provided that the officers of said town corporation shall have power to levy and collect such taxes as may be necessary to pay any debts now owing by said corporation, as fully as if said act had not been repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To lay out and establish a State Road, in in the counties of Paulding and Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Hudson, of Paulding county, George Snook and Giles H. Tomlinson, of Williams county, be and they are hereby appointed commissioners, and Miller Arrowsmith, surveyor, to lay out and establish a state road commencing at Charloe, Paulding county; thence north to the junction of the Wabash and Erie and Miami extension canals; thence to where the state road leading from Nathan Shirly's to the Little St. Joseph's river crosses the canal; thence to section twenty seven, township four, north of range three, east, to where said road crosses the Maumee river; thence, on the nearest and best route to the town of Bryan, in the county of Williams; thence north on the best route, to the Michigan state line.

SEC. 2. That the commissioners aforesaid, shall, in all respects, be governed by the laws now in force establishing state roads, passed March twenty fourth, one thousand eight hundred and thirty one.

SEC. 3. Should a vacancy occur in any of the aforesaid appointments, by death, or otherwise, the commissioners of the county, in which such vacancy may happen, shall, on being notified thereof, fill the same as often as such vacancy may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To lay out and establish a State Road, in the counties of Franklin and Fairfield, and to extend the State Road heretofore established on the line between the counties of Fairfield and Pickaway, and Fairfield and Franklin.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Elias Perry, and Henry Donaldson, of Fairfield county, and Thomas Elder, of Franklin county, be and they are hereby appointed commissioners, and Emanuel Giesey, of Fairfield county, surveyor, to lay out and establish a state road, commencing on the county road leading from Columbus, in Franklin county, to Lancaster, in Fairfield county, at the centre of section number twenty seven, in Madison township, in said county of Franklin; thence east, on or near the half section line to the Ohio Canal; thence up the canal on the best ground to Winchester, in Fairfield county; and, also, to extend the location of the state road, heretofore established on the line between the counties of Fairfield and Pickaway, and Fairfield and Franklin counties, commencing at the northwest corner of Bloom township, in Fairfield county, where said road now terminates; thence on or near the county line to the state road leading from Lancaster to Columbus.

SEC. 2. That the commissioners aforesaid shall be governed, in all respects, by the laws now in force defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. That should any vacancy occur in said board of commissioners, by death, removal or otherwise, the commissioners of the county in which such vacancy may happen, shall, on being notified, fill the same as often as it may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Utility Fire Engine, Hose, Hook and Ladder Company No. 1, of the town of Lithopolis, Fairfield county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That E. L. Miner, Daniel Crumley, Israel Gregg, Joseph Brown, N. W. Coffman, William Serrels, Geo. W. Devenbaugh, Elias Perry, Phillip Bergolresser, Martin Barnhart, Sr., Wm. W. Hite, Joseph Glick, J. W. Joungkerth, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Utility Fire Engine, Hose, Hook and Ladder Company, number one, of the town of Lithopolis, with succession for thirty years, and, as such, shall be capable, in law, of suing and being sued, pleading and being impleaded in any action or suit, in any

court having competent jurisdiction; they shall have power to hold and possess property, whether real or otherwise, to the amount of five thousand dollars, and no more, and shall be competent to contract and be contracted with, to enact bylaws, and to adopt such regulations as may be deemed proper for the good order of said company; provided, that such bylaws and regulations are not contrary to the laws of this state or of the United States.

SEC. 2. The officers of said company shall consist of a president, secretary, treasurer, and standing committee of five members and twelve directors, who shall be elected by ballot, on the first Monday of April, in each year, and shall hold their offices until their successors are chosen; provided, that a failure to make an election on the day herein appointed, shall not work a forfeiture of the privileges of the corporation, but in case of such failure from any cause, the company shall have power to appoint such other day for an election, as they may think fit.

SEC. 3. That said company shall have power to use a common seal, which they may break, alter, or renew at pleasure.

SEC. 4. This act shall be taken, received, and construed as a public act, and shall take effect from and after its passage; provided, that nothing herein contained shall be so construed as to grant to said company the privilege of banking, or to prevent the legislature of this state from amending, altering, or abolishing this act, whenever they may think proper; and it is further provided, that the members of said company shall be individually liable for all debts contracted by the same.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate Fire Company No. 1, of the town of Delaware, in the county of Delaware.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Hosea Williams, Charles C. Chamberlain, David McCullough, D. T. Fuller, Sherman Finch, their associates and successors, are hereby declared a body corporate and politic by the name of Fire Company, No. 1; and, as such, shall be capable, in law, of suing and being sued, pleading and being impleaded, in any action or suit, in any court having competent jurisdiction; to contract and be contracted with, to enact such bylaws and regulations as may be deemed proper for the government of the company, provided they be not inconsistent with the constitution of the United States, or the constitution and laws of this state; to purchase and possess property, whether real or otherwise, to an amount not exceeding five thousand dollars, and to have and use a common seal, and the same to alter, renew, or break at pleasure; and the said company shall be subject to all the regulations, restrictions and liabilities of "an act instituting proceedings against corpora-

tions not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Hook and Ladder Company, of Covington, in the county of Miami.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That David Buckingham, George C. Defrees, Henry Human, Jacob Beck, Charles Dodds, Thomas Routzone, Samuel Hollapactre, Elias Thompson, their associates and those who may hereafter associate with them, with their successors, be and they are hereby created a body politic and corporate, under the name and style of the Covington Hook and Ladder Company, No. one, and, as such, be competent to contract, and be contracted with, to sue, and be sued in all courts of this state; they shall have power to acquire and hold property, real, personal, and mixed, to the value of not more than five thousand dollars, and the same to sell and convey at pleasure.

SEC. 2 That said company may have a common seal, the same to alter or amend at pleasure, and shall have power to make and enforce such by-laws, not inconsistent with the constitution and laws of the United States or of this state, as they may deem proper for the organization and good government of its members, and the management of their corporate affairs.

SEC. 3. That said corporation shall be subject to all the restrictions, limitations and provisions of an act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Hillsborough Fire Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That D. J. Fallis, J. M. Trimble, Joshua Woodrow, Jun., William Scott, John A. Smith, James Dill, Robert H. Ayres, and David Harman, and those who may hereafter associate with them, be and they are hereby created a body corporate and politic, under the name of the Hillsborough Fire Company, with succession, and by such name, and in their corporate capacity, may make contracts, may sue and be sued, answer and be answered unto, in all courts having cognizance, may hold property, personal, real, or mixed, by purchase, gift, bequest, or devise; may use a common seal, and break, alter, or renew the same at pleasure; and may make and establish bylaws, for their government, not incompatible with the constitution of the United States, or this State.

SEC. 2. The annual income of said company shall not exceed one thousand dollars, nor shall their funds be used for any other purpose than to make said company efficient in the extinguishment of fires.

SEC. 3. That said corporation shall be subject to the restrictions, limitations, and provisions of an act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 4. This act shall be received in all courts of this state as a public act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Richmond Hook and Ladder Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That T. S. Herring, John M'Gregor and J. G. Holton of Richmond, in the county of Jefferson, and those who are or may be hereafter associated with them, and their successors, be and they are hereby created a body corporate and politic, under the name and style of the Richmond Hook and Ladder Company; and, as such, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in any court having competent jurisdiction, and in such name, shall have power to purchase and hold property, whether real or personal, to any amount not exceeding five thousand dollars; they may establish a constitution and adopt such bylaws, (not inconsistent with the constitution and laws of this state, or of the United States,) as they may deem necessary and proper to preserve the good order of the company, and to render it effective for

the purpose of preventing the destruction of life and property by fire; they may assess fines and collect the same of any member thereof, for any violation of their constitution or bylaws; and the members of said company shall be exempt from doing military duty in time of peace.

SEC. 2. Said company shall designate, by their constitution and bylaws, what officers they may deem necessary for the good government of the company, and prescribe their duties; and such officers shall be elected annually on the second Saturday of April, and shall hold their offices one year, and until their successors are chosen. In case no election be had on the day herein appointed, the presiding officer of the company may appoint such other day for an election as he may think proper. Said company shall be subject to the provisions of an act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate Fire Company, No. 2, of the town of Delaware, in the county of Delaware.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Henry Vanhorn, Caleb Howard, Sylvester Latimer, Hiram G. Andrews, L. Glessner, their associates and successors, are hereby created and declared a body politic and corporate, by the name of Fire Company, No. two, and, as such, shall be capable, in law, of suing and being sued, pleading and being impleaded, in any action or suit, in any court having competent jurisdiction; to contract and be contracted with, to enact such bylaws and regulations, as may be deemed proper for the government of the company, provided they be not inconsistent with the laws of the United States, or of this state; to purchase and possess property, either real or otherwise, to an amount not exceeding five thousand dollars, and to have and use a common seal, and the same to alter, renew, or break, at pleasure, and the said company shall be subject to all the regulations, restrictions, and liabilities of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To lay out and establish a Free Turnpike Road from Lima, in the county of Allen, to Defiance in the county of Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Roswell Cheney, of the county of Williams, John Mason, of the county of Paulding, James Taylor, and William Phillips, of the county of Putnam, and William Blackburn, of the county of Allen, be and they are hereby appointed commissioners, to lay out and establish a free turnpike road from Lima, in the county of Allen; thence to Kalida, in the county of Putnam; thence to Charloe, in the county of Paulding; thence to Defiance, in the county of Williams; which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any powers devolving upon or intrusted to them by this act; and they shall keep a record of their proceedings which shall be at all times open for inspection by any person desiring to inspect the same.

SEC. 3. That said commissioners shall meet on the first Monday of April, one thousand eight hundred and forty three, or at any time within sixty days thereafter, and organize by choosing one of their number president of said board, and they shall then take measures to view, locate and establish said road; and of all such locations they shall file a copy with the auditor of each county through which the said road may pass.

SEC. 4. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same, in a solid and durable manner, and keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof, as will soonest render the whole line thereof available for travel and transportation, and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 5. The taxes levied for road purposes on all property within two miles of said road, on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agent or agents appointed for that purpose.

SEC. 6. So much of taxes appropriated by this act, as shall be paid into the county treasury, shall be computed by the county auditor as accurately as may be, and paid over to said commissioners or their agent; and all taxes so computed by the county auditor, shall be expended on said road in the county where collected.

SEC. 7. It shall be the duty of the county auditors of the respective counties through which said road shall pass, in computing the portion of road tax that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land not exceeding one hundred and sixty acres, of which any part shall be within said limits; and

for all duties performed by them, under this act, they shall be allowed the same fees allowed by law, for similar services, in other cases.

Sec. 8. The commissioners shall have power to receive donations of land, to aid in the construction of said road, and to convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands, only on such parts of the road as shall have been permanently located and established.

Sec. 9. The said commissioners and their successors, shall be a corporation by the name and style of the Lima and Defiance free turnpike road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon, and the form of such prosecutions shall be in the action of debt; and the amount recoverable in each case, shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all such cases, the said trustees shall have a right to sue either before a justice of the peace, or in the court of common pleas of the proper county; which suits shall be appealable as in other cases, and the amounts collected in each case, shall be for the benefit of said road, and shall be paid to said trustees.

Sec. 10. The said trustees shall, annually, in the month of January, make a full settlement of their receipts, and expenditures, under this act, and publish an account thereof, in some newspaper having general circulation along the line of said road, and also deposit a copy thereof in the auditor's office, in each county, through which the road may pass.

Sec. 11. That nothing in this act contained shall be so construed as to interfere with any tax upon property heretofore appropriated to the construction, preservation, or repair of a free turnpike road authorized to be established from Ottawa, in the county of Putnam, to the Indiana state line, in the county of Williams, by an act passed one thousand eight hundred and forty three, or any tax heretofore appropriated to the construction, preservation, or repair of such turnpike road.

Sec. 12. The supervisor of any road district, through which any part of said road may pass, shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient to the construction, preservation, and repair of said road; and the same shall be applied under the direction of said trustees, or their agent or agents.

Sec. 13. The commissioners of said road shall be allowed their reasonable personal expenses, when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county in which such vacancy may happen, on being notified thereof, shall fill the same as often as it may occur.

Sec. 14. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act, to the construction preservation and repair of the same.

Sec. 15. All claims for damages, arising out of the location of said road, shall be settled in the manner prescribed by the act for opening and regulating of roads and highways, and all damages, assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the

county commissioners, the benefit resulting from the establishment of said road will be equal to the amount of damages assessed.

SEC. 16. This act to take effect and be in force from and after the passage thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN.
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the Vernon Baptist Church, of Scioto county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joseph L. Thompson, William Triggs and John Baccus, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Vernon Baptist Church of Scioto county, Ohio; and, as such, shall be entitled to all the rights, privileges and immunities, granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of an "act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators, or a majority of them, shall give at least ten days notice by posting up written or printed advertisements in three of the most public places in said town, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To authorize the Directors of the Cincinnati, Columbus, and Wooster Turnpike Company to receive a transfer of forty shares of stock in the Milford and Chillicothe Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the directors of the Cincinnati, Columbus, and Wooster Turnpike Company, be and they are hereby authorized to receive from Samuel Perin and John Kugler, a transfer of forty shares of stock, (at fifty dollars for each share,) in the Milford and Chillicothe Turnpike Company; and it shall be the duty of the said directors of the Cincinnati, Columbus, and Wooster Turnpike Company, upon the transfer of said stock being made as aforesaid, to execute a release or receipt to the said Samuel Perin and John Kugler, for the sum of two thousand dollars, being the amount loaned by said Cincinnati, Columbus, and Wooster Turnpike Company, to the said Samuel Perin and John Kugler, for the purpose of enabling them to subscribe the stock aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To authorize the Trustees of the First Presbyterian Church of Knoxville, in the county of Jefferson, to sell and convey the real estate belonging to said Church.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the First Presbyterian Church of Knoxville, in the county of Jefferson, or a majority of them, be and they are hereby authorized and empowered, for the purpose of paying the debts of said church, to sell, either at public or private sale, on such terms and conditions as they may deem best, all the real estate, and other property, belonging to said church, and convey the same to be appropriated to any use whatever; and if the proceeds of the sale are insufficient to pay all the debts in full, said proceeds shall be paid thereon pro rata, and if there be an excess it shall be applied by said trustees, to some religious or charitable use.

SEC. 2. That said trustees shall cause an abstract of their proceedings under this act to be entered on the records of deeds in said county, and thenceforward the corporate existence shall cease.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the First Presbyterian Church and Society, of Marietta and vicinity, in the county of Washington, and under the care of the General Assembly of the Presbyterian Church in the United States, that meet annually in Ranstead Court, in the city of Philadelphia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That William Hill, Jasher Taylor, Cornelius Finkham, John J. Preston, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the First Presbyterian Church and Society, of Marietta and vicinity, and be entitled to all the rights, privileges, and immunities granted by, and shall be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators, or a majority of them, shall give at least ten days notice, by posting up written or printed advertisements, in three of the most public places in said town, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To incorporate the First Universalist Meeting House Society, of Woodstock, in Champaign county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Eliphas Burnham, James C. Miller, and Sylvanus Smith, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the First Universalist Meeting House Society of Woodstock, in Champaign county, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six; also, an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators shall give ten days notice of the time and place of their first meeting under this act, by posting up advertisements at three of the most public places in said town.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

AN ACT

To divorce Frances J. Stephenson from her husband J. H. Stephenson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the marriage contract heretofore existing between Frances J. Stephenson and her husband James H. Stephenson, be and the same is hereby dissolved, and the said Frances J. Stephenson, be and she is hereby restored to her maiden name Frances J. Taylor.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divorce Maria Miser from her husband, Henry Miser.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the marriage contract heretofore existing between Maria Miser and her husband Henry Miser, be and the same is hereby dissolved, and that both parties be freed from all obligations of the same, and that the said Maria Miser from and after the passage of this act, shall be called Maria Mains, her maiden name.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divorce Adaline M. Parish, from her husband, Daniel Parish, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the marriage contract heretofore existing between Adaline M. Parish and her husband, Daniel Parish, be and the same is hereby dissolved, and that the said Adaline be restored to her former name, Adaline M. Gill.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divorce Louisa H. Storrs from her husband, Eli A. Storrs.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Marriage contract heretofore existing between Louisa H. Storrs and her husband, Eli A. Storrs, be and the same is hereby dissolved.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divorce Lois Jane Ann O'Harra from her husband, Manuel C. O'Harra.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the marriage contract heretofore existing between Lois Jane Ann O'Harra and Manuel C. O'Harra, be and the same is hereby dissolved.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the town of Piqua, Miami county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the township of Washington, county of Miami, as is contained and comprehended within the following bounds, to wit: all of section number eighteen, and all of fractional section number seventeen, in town six, and range six, east of a meridian line, drawn from the mouth of the Great Miami river, shall be, and hereby is, created an incorporated town, and the inhabitants thereof a body politic and corporate, with perpetual succession, distinguished by the name and style of the Town of Piqua, and, as such, in the name of the common council thereof, shall be capable, in law, of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of answering and being answered unto, in any suit or action in any court within this state; and when any suit or action shall be commenced against said town, the first process shall be a summons, an attested copy of which shall be left with the recorder, at least three days before the return thereof; and they may have and use a corporate seal, which they may break, alter, or renew at pleasure. They may also purchase, use, occupy, enjoy, and convey real and personal estate, whenever they may deem it necessary for the benefit or comfort of the inhabitants; they may borrow money for any specified corporate purposes, with the concurrence of two thirds of the members of the council; all motions for which purpose must be made thirty days previous to its adoption. And, for the better governing and ordering of said town, the fiscal, municipal, and provisionary concerns thereof, shall be vested in a board, consisting of a mayor, recorder, and one councilman for each ward, to be denominated the Common Council of the Town of Piqua, together with such officers as may hereinafter be mentioned and provided for.

SEC. 2. That said town shall be divided into four divisions or wards, each of which shall be entitled to one representative in the common council; and, for the electors of each ward, a ballot box, with separate divisions for each ward, shall be provided, in which the suffrage of each voter shall be deposited, for mayor, recorder, and one councilman, agreeably to the ward in which he may reside. That all that part of said corporation which lies east of Main street, and north of Ash street, and north of the road extending east from the east end of Ash street, shall constitute the first ward; all that part east of Main street, south of Ash street, and south of the aforementioned road, shall constitute the second ward; all that part situated south of Ash street and west of Main street, shall constitute the third ward; and all that part north of Ash street and west of Main street, shall constitute the fourth ward. But said wards may be altered or increased in number, at any time hereafter, by the common council.

SEC. 3. That all white male persons qualified to vote for members of the general assembly, who may have resided within the bounds of said town, at least six months previous to the day of election of town officers, shall be considered legal voters, and shall be entitled to vote at any such election; and no person, who had once been a legal voter for town officers, shall be prevented, by a temporary absence, from voting at any subsequent election, provided he may not have been absent for more than twelve months previous to said election.

SEC. 4. That the qualified electors shall assemble between the hours of ten o'clock, A. M., and four o'clock, P. M., on the first Saturday of April, annually, at some suitable place in said town, notice of which shall be published at least ten days previously, by the recorder, and then and there elect, by ballot, a mayor, recorder, one councilman for each ward, and a town marshal, in the manner prescribed in the foregoing section, who shall be designated on the tickets for their respective offices and wards; and the mayor, recorder, councilmen, and marshal, so elected, shall hold their respective offices for one year, and until their successors are duly elected and qualified; each of the said officers shall, within five days after notice of his election or appointment take an oath or affirmation, to be administered by some person authorized to administer oaths, to support the constitution of the United States and of this state, and also faithfully to discharge the duties of his office; and at the first election in said town, to be holden under this act, the present common council shall officiate as judges of said election, and the present recorder as clerk; and, at all future elections, the common council shall be the judges, and the recorder clerk; and if any person elected or appointed to office, under the provisions of this act, shall refuse to serve, he shall forfeit and pay into the treasury any sum not exceeding two dollars, at the discretion of the common council; provided, that no person shall be required to fill any office pertaining to the government of said town for two years in succession.

SEC. 5. That it shall be the duty of the mayor, or, in his absence, the recorder, to preside at all meetings of the common council, a majority of whom, the mayor, or recorder, being one, shall constitute a quorum for the transaction of business.

SEC. 6. That the common council shall have power to fill all vacancies that may occur in that body, from among such citizens of said town as may be qualified to vote for town officers, whose appointments shall continue until the next annual election, and until their successors shall be elected and qualified; and no person shall be eligible to any office under this act who is not a qualified elector for town officers.

SEC. 7. That it shall be the duty of the mayor, or, in his absence, the recorder, to be active and vigilant in causing the laws, ordinances, and regulations of said town, to be duly enforced and executed, to inspect the conduct of all subordinate officers, and, as far as in his power, to cause all negligences, carelessness, and positive violation of duty, to be prosecuted and promptly punished; he shall keep the town seal, sign all commissions, licenses, and permits, which may be granted by the common council, and, generally, do and perform such duties, and exercise such powers, as may, from time to time, devolve upon him by virtue of his office, not inconsistent with the provisions of this act; he shall be a conservator of the peace, and shall, in his judicial capacity, have exclusive original jurisdiction in all cases wherein the ordinances of the town council have been violated, and civil and criminal jurisdiction in all cases which, by the laws of the state, justices of the peace are, or shall be, authorized to hear and determine, or in any manner have power to act; and, for the due and efficient exercise of the powers hereby vested in him, it shall be lawful for him to award all such process, and issue all such writs as may be necessary for the administration of right and justice throughout said town; he shall, moreover, have authority to take and certify the acknowledgment of all deeds of conveyance and incumbrance

of real estate situated in the county of Miami; he shall keep a docket, in which he shall minute down his proceedings; he shall be entitled to the same fees as a justice of the peace, and an appeal shall be from his judgment to the court of common pleas of the county of Miami, aforesaid; and, upon such appeal, bond shall be given, and the like proceedings had, as may, at any time, be required, by the statutes of this state, upon appeal from the judgment of a justice of the peace; he shall further have authority, during the absence, sickness, or other disability of the town marshal, to appoint one or more deputies to act in his place.

SEC. 8. That it shall be required of the mayor and recorder, previous to entering upon the business of their respective offices, to give bonds, with approved security, to the common council, for the faithful performance of the duties devolving upon them respectively, by this act.

SEC. 9. That it shall be the duty of the recorder to keep a fair and accurate record of all laws, ordinances, and regulations made and established by the common council; to make out duplicates of taxation; to give notice of elections; to make out and publish a list of receipts and expenditures of the town, annually, and to have one copy of the same posted at the place, and on the days for holding annual elections, for the inspection of the electors; and to execute all such reasonable duties as may be required of him by the common council, and for which they shall grant him reasonable compensation.

SEC. 10. That the marshal shall give bond, with two approved securities, for the faithful performance of the duties of his office; he shall be the principal ministerial officer of said town, and shall have the same powers that constables have by law, and that his jurisdiction, in criminal cases, shall be the same that constables have by law; and he shall execute the processes of the mayor, and have the same power and receive the same fees that constables are allowed for like services; and, moreover, he shall be governed by the laws, ordinances, and regulations of the common council; and it shall be his duty to be vigilant in enforcing and executing the same, and prompt in quelling all riots and disturbances in said town.

SEC. 11. That all warrants and process shall be in the name of the "common council of the town of Piqua," sealed with the seal of the corporation and signed by the mayor.

SEC. 12. That the recorder shall, in the absence, death or disability of the mayor, hold and execute the several offices imposed by this act on the mayor, during said absence or disability, or, until the common council shall have made a new appointment.

SEC. 13. That the foregoing named sections, seventeen and eighteen, shall constitute one road district, and that the common council shall have power to require every able bodied male inhabitant of said town, who shall be over the age of twenty one years, and not exceeding sixty years, who shall have resided within the limits of said corporation ten days next preceding such requisition, to perform, annually, two days' labor on the streets and alleys of said town, within the bounds of the wards in which they may respectively reside, under the direction of supervisors, appointed by the common council; and all persons residing within said corporation shall be authorized to work out their highway taxes on property owned within the limits of the same, and be exempt from the performance of any labor on the public highways out of the limits of said town; provided, that noth-

ing contained in this section shall be so construed as to exempt persons residing in said town from paying their highway taxes on property they may own elsewhere.

SEC. 14. That the common council shall hold stated meetings at such times and at such places as they may fix on; and meetings for special purposes may, when necessary, be called by the mayor or recorder. They shall have full power and authority to enact, publish and enforce all such laws, ordinances and regulations as to them shall seem necessary, relating to the regulation of streets and alleys; for clearing, grading, raising, draining, paving, turnpiking or otherwise keeping the same in repair; for causing or requiring owners of inlots in such parts of said corporation, as the common council may from time to time prescribe, to curb and pave or gravel the side walks in front of their respective lots, holding a lien on the real property of any owner who may neglect or refuse to comply with said regulations; for establishing and regulating markets; for the preservation and safety of buildings; for regulating, improving by public buildings, and keeping unobstructed, all public squares within the limits of said town; for the restraining of swine, dogs and sheep, from running at large in said corporation; for the establishment of an assize of bread; for the abatement and removal of nuisances, and for the imposition of reasonable fines on all persons transgressing against the laws, ordinances and regulations made as aforesaid; and to enact, ordain and publish all such other laws, ordinances and regulations as they may deem necessary and proper for the health, cleanliness, peace, morals and good government of said corporation and the inhabitants thereof, not contrary to the constitution and laws of the United States or of the state of Ohio; all of which laws, ordinances and regulations shall be deposited with the recorder, and by him safely kept.

SEC. 15. That the common council shall appoint a collector and treasurer, who shall hold their offices for one year, they shall take an oath of office, as prescribed for other officers in the fourth section of this act, and shall give bond for the faithful performance of the duties of their respective offices, in such sums, and with such security as the common council may require.

SEC. 16. That all laws, ordinances and regulations, made and established by the said common council, shall be recorded by the recorder in a book to be provided for that purpose, and no such law, ordinance or regulation shall take effect until the same shall have been published and made known, either by publication in a newspaper printed in said town, or posting up copies thereof in two of the most public places in said town, at least three days.

SEC. 17. That all fines incurred for transgressing any of the laws, ordinances or regulations of said common council shall be prosecuted at the suit of the "common council of the town of Piqua," before the mayor, and in all cases wherein the mayor shall render judgment, an appeal may lie to the court of common pleas, as in other cases.

SEC. 18. That the common council shall have power to levy and collect a tax, annually, on all property subject to taxation by the laws of this state, within the limits of said town, also, upon all dogs, swine and sheep owned, kept or harbored in said town, and permitted to run at large, and upon all other property that is, or may be subject to taxation for county

purposes; provided, that no tax upon dogs, swine or sheep shall exceed one dollar per head, no tax on real estate shall exceed one fifth of one per centum upon the appraised value thereof, and no tax upon personal property, except dogs, swine and sheep, shall exceed the amount that may, by law, be assessed upon the same for county purposes.

SEC. 19. That the common council shall appoint a town assessor, annually, whose duty it shall be to make a true and faithful assessment and estimate of all such property as he may be required to assess and value by the common council, and at the time by them prescribed; he shall furnish the recorder with a copy thereof, who shall file the same in his office, and publish notice of a day of appeal to be held by the common council, when all persons aggrieved by the assessment shall be heard, and such order taken thereon as may seem fit.

SEC. 20. That it shall be the duty of the collector, within such time as may be specified by the common council, (after having received the duplicate of taxes,) to collect the same, if necessary, by distress and sale, and pay the same over, forthwith, to the treasurer, and take his receipt therefor; which receipt, together with a list of delinquents, if any, he shall deposit with the recorder, and take the recorder's certificate for the same; but before he takes by distress the personal property of any resident charged with taxes, he shall give notice, by advertisement set up in three of the most public places in said town, fifteen days before the sale, that he is in possession of the duplicate of taxes, which notice shall also state the amount of tax charged upon the dollar.

SEC. 21. That if any of said taxes remain unpaid on the first day of December, next after the receipt of the duplicate by the collector as aforesaid, and no personal property of the person charged can be found whereof to levy the same, it shall be the duty of the collector, and he is hereby authorized, to levy upon any freehold or leasehold property within said corporation, owned or possessed by the delinquent, and after giving thirty days notice, in some public newspaper published in said county, of the time and place of sale, the amount of tax, for the payment whereof said property is levied upon, together with a description of said property, by its number, and division of said town, and the owner's name, if known, he shall proceed to sell the lots at public vendue, or so much thereof, from front to rear, as will be sufficient to discharge the tax and cost that may have accrued thereon; which costs shall be the same as those allowed to county treasurers in similar cases. And said collector is hereby authorized to make and execute to the purchaser or purchasers a deed, which shall convey all the right, title and interest of said delinquent or delinquents in and to said property, sold as aforesaid; provided, that no lot or real estate shall be sold for a less sum than the tax and penalties due thereon, with the expenses of sale; and when a lot or other real estate shall be sold for a greater sum than the tax, interest, and penalties due thereon, the overplus shall be paid into the town treasury for the use and benefit of the owner of such lot at the time of sale, subject to his or her order or application.

SEC. 22. That the owners of any freehold or leasehold estate, sold for taxes under the provisions of this act, their heirs, executors, administrators or assigns, may redeem the same within two years from the sale thereof, by paying to the purchaser, or his legal representative, the amount for which said real estate was sold, with thirty per centum penalty thereon, together

with the costs that may have accrued, or by depositing the same with the recorder of said corporation, and giving notice, in some newspaper printed in the county of Miami, of his right to, and intention of redeeming, said property, at least three weeks in succession, before the term of court at which he intends to make application; provided, that where the money is paid or tendered to the purchaser, his heirs or assigns, no previous notice shall be required; and, on order of said court, the purchaser shall reconvey the premises, so sold, to the person who owned it at the time of sale, or his or her legal representative; provided, also, that when any lot or part of a lot is sold as aforesaid, which shall at the time of sale belong to a feme covert, minor, insane person, or person casually absent from said county, or in captivity, such person shall have a right to redeem the same within one year after such disability is removed.

SEC. 23. That the common council shall have jurisdiction over such free bridges as now are or may be hereafter constructed across the Miami canal and Miami river, within, or touching the corporate limits of said town, with full power, by law, to regulate persons using said bridges, and to fine, or otherwise punish, any person or persons guilty of injuring the same, or transgressing the laws that may be enacted by the common council for the protection and preservation of said bridges.

SEC. 24. That no unimproved lots, in that portion of territory added to said town by this act, shall be subject to taxation for town purposes, until the same shall be laid out and subdivided by the present proprietors as building lots.

SEC. 25. That in the distribution of the laws of the state, the said corporation shall be entitled to receive one copy of the revised laws, one of the general laws, one of the local laws, and one of the journals of each house of assembly, to be received by the mayor and delivered to his successors.

SEC. 26. The laws and ordinances of the existing corporation of Piqua shall remain and continue in force, (in the present limits of said town,) until a new board of officers, elected under this act, may alter or repeal the same; and the present board of officers shall remain in office, and perform the requisite duties, until the officers under this act shall be duly elected and qualified.

SEC. 27. That said common council shall be allowed the use of the jail of Miami county for the confinement of all such persons as may be liable to imprisonment under this act, and all persons so imprisoned shall be in charge of the keeper of said jail until discharged by due course of law.

SEC. 28. That any future legislature may have power to alter, amend, or modify this act.

SEC. 29. This act shall take effect and be in force from and after the first day of April next.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divorce Henry M. Cooper from his wife Catharine Ann Cooper, and Joseph Field from his wife Theodosia Field.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the marriage contract heretofore existing between Henry M. Cooper and his wife Catharine Ann Cooper, be and the same is hereby repealed.

SEC. 2. That the marriage contract heretofore existing between Joseph Fields and his wife Theodosia Fields, be and the same is hereby dissolved.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

For the relief of certain lessees in Butler county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the revaluation of section twenty nine, granted by Congress for ministerial purposes, in original surveyed township three, and range three, in Lemon township, Butler county, and ministerial section number twenty nine, in Fairfield township, in the county aforesaid, as last appraised in the year one thousand eight hundred and forty two, be and the same is hereby made null, void and of no effect.

SEC. 2. That it shall be the duty of the proper officers of said townships of Lemon and Fairfield, as soon as convenient after the passage of this act, to provide for the reappraisement of said sections twenty nine, in said townships, under the act entitled "an act to incorporate the original surveyed townships," passed March fourteenth, one thousand eight hundred and thirty one.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divorce Ralph Bingham from his wife Esther Bingham, and Richard Shumard from his wife Susan.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the marriage contract heretofore existing between Ralph Bingham and his wife Esther, be and the same is hereby dissolved.

SEC. 2. That the marriage contract heretofore existing between Richard Shumard and Susan, his wife, be and the same is hereby dissolved.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divorce Jacob Kesler from Susannah Kesler, his wife, and Michael S. Rockey from his wife, Elizabeth Jane Rockey.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the marriage contract heretofore existing between Jacob Kesler and Susannah Kesler, be and the same is hereby dissolved.

SEC. 2. That the marriage contract heretofore existing between Michael S. Rockey, and his wife, Elizabeth Jane Rockey, be and the same is hereby dissolved.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divorce Sarah Cowles from her husband Edward Cowles, and Rachel Fox from her husband Samuel Fox.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the marriage contract heretofore existing between the said Sarah Cowles and her husband Edward Cowles be and the same is hereby dissolved, and that both parties be freed from all obligations of the same, and that the said Sarah Cowles, from and after the passage of this act, shall be called Sarah Austin, her maiden name.

SEC. 2. That the marriage contract heretofore existing between Rachel Fox and her husband Samuel Fox, be and the same is hereby dissolved.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divorce Andrew W. Oliver from his wife, Julia Ann Oliver, and Elizabeth Reppy from her husband, Henry Reppy.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the marriage contract heretofore existing between the said Andrew W. Oliver and Julia Ann Oliver, be and the same is hereby repealed.

SEC. 2. That the marriage contract heretofore existing between Elizabeth Reppy and her husband, Henry Reppy, be and the same is hereby dissolved.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divide the town of Lancaster into School Districts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town of Lancaster, in the county of Fairfield, shall hereafter be divided into four separate school districts, in the manner following: all that part of said town lying north of Main street, and east of Broad streets, shall compose one district. All lying south of Main street, and east of Broad streets, shall compose a second district. All lying south of Main, and west of Broad streets shall compose a third district. And all lying north of Main and west of Broad streets, shall compose a fourth district.

SEC. 2. Said districts shall be numbered in regular order, following the present established school districts in Hocking township; and they shall, in all things, be governed and controlled in the manner pointed out for the government of other school districts, in the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March seven, one thousand eight hundred and thirty eight, and the several acts amendatory thereto.

SEC. 3. The first election of directors in said districts shall be on the first Friday of April next; and the directors then chosen shall hold their

their offices until the period fixed for the general election of school directors, in September following, and until their successors are chosen and qualified; of which first election notice shall be given, in the manner pointed out in the before recited acts.

SEC. 4. If a majority of the householders residing within the northeast district, in said town, in general meeting, called upon due notice for that purpose, shall vote for the erection of a school house in said district, the directors shall certify that fact to the county auditor, together with a statement of the amount that will be required to purchase a site and erect a school house of equal dimensions and convenience with those now erected in the other districts in said town; and the county auditor shall assess the said amount upon all the taxable property in said town of Lancaster, and place the same in a separate column upon his duplicate, to be collected and paid over according to law.

SEC. 5. So much of the thirty second section of the act hereinbefore recited, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To authorize the sale of School Section No. 16, in Center township, in the county of Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section number sixteen, in township number six, north, of range number two, east, being the organized township of Center, in the county of Williams, be and the same is hereby authorized to be sold, and such sale shall, in all things, be governed by the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, anno domini, one thousand eight hundred and forty three; provided, that no part of the land herein described shall be sold for less than five dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To authorize the holding of a Special term of the Court of Common Pleas within and for the county of Franklin.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas within and for the county of Franklin, shall hold a special term for criminal and probate business, on the first Monday of May next, and the clerk and sheriff shall draw and summon a traverse jury, and all criminal cases now pending in said court shall come up at said term for trial, or other disposition as the court shall decide right, and any cases undisposed of may be continued to the next regular term of said court.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To authorize the sale of School Section number Sixteen, in Pulaski township, in the county of Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That school section number sixteen, in township number six, north, of range number three, east, being the organized township of Pulaski, in Williams county, be and the same is hereby authorized to be sold, and such sale shall be governed in all things by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, anno domini, one thousand eight hundred and forty three; provided however, that the west half of the southwest quarter of said section, shall be surveyed and divided into five acre lots; the east half of the same quarter shall be surveyed and divided into ten acre lots; the northwest quarter into twenty acre lots; and the east half of said section shall be surveyed and divided into forty acre lots, and shall be offered for sale in separate lots; and provided further, that none of said lots shall be sold for less than five dollars per acre.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To authorize the Town Council, of the town of Springfield, to divide the said town into school districts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council, of the town of Springfield, in the county of Clark, be and they hereby are authorized to divide the said town of Springfield into such number of school districts as the convenience and advantage of the inhabitants may require, and shall hereafter have the same power to alter and divide said districts as township trustees now have power to alter or divide districts.

SEC. 2. That the districts constituted in pursuance of the foregoing section, shall be invested with all the rights and privileges of other school districts.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To divide School District No. 1, in the township of Warren, in the county of Trumbull.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of school district No. one, in the township of Warren, in the county of Trumbull, as is contained within the following boundaries, to wit: beginning at the northeast corner of the public square, in the town plat of Warren; thence west, to the southwest corner of lot No. forty one, in said town plat, now owned by George Parsons; thence north, on the west line of said lot, to the northwest corner thereof; thence due north, to the north line of the corporation of the town of Warren; thence east, on the said north line, to the northeast corner of said corporation; thence due east, to Red run; thence down said Red run, the several courses thereof, to the center of the road leading from Warren to Vienna; thence west, along the center of said road to the east line of the public square, in said town plat of Warren; thence north, along said east line, to the place of beginning, is hereby set off into a new district, to be called school district No. thirteen.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To change the name of the Franklin Society, of Granville College, in Licking county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of the Young Men's Franklin Society, of Granville College, in Licking county, incorporated January nineteenth, one thousand eight hundred and forty three, be and the same is hereby changed to the Franklin Society of Granville College, and the said society, by that name, shall possess and enjoy all the rights and privileges, acquired by said society under their original act of incorporation, and be subject to all the restrictions and limitations contained in said act.

SEC. 2. That William P. Kerr be one of the corporators, instead of William J. Kerr named in said act of incorporation.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the Bellefontaine Ohio College.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joseph Stephenson, John L. Belville, Thomas Armstrong, Aaron Hartley, Joshua Robb, Benjamin S. Brown, Thomas Marquis, Samuel Newell, Joseph Cauley and James Wallace, of Logan county, Porteus Wheeler, of Hardin county, John Cassil, of Union county, William Blackburn, of Allen county, John Taylor, of Westville, Champaign county, and Hugh Thompson, of Shelby county, be and they are hereby constituted a body politic and corporate, to be styled the Board of Trustees of Bellefontaine Ohio College, and by that name to have perpetual succession, with full powers in that name to sue and be sued, plead and be impleaded, contract and be contracted with; to acquire, hold and convey property, real personal and mixed; to have and use a common seal; to alter and renew the same at pleasure; to make and alter, from time to time, such bylaws as they may deem necessary for the government of themselves and the Bellefontaine Ohio College, its officers, members, teachers and agents: provided, such bylaws are not inconsistent with the constitution and laws of the United States or of this state.

SEC. 2. That said institution shall be located in or near the town of Bellefontaine, in the county of Logan, and state of Ohio; and shall be erected on a plan sufficiently extensive to afford instruction in the common branches of a liberal education, and in the liberal arts and sciences; and the trustees may, as their ability shall increase, and the interests of the community require, erect additional apartments for the study of any or all of the liberal professions: and provided further, that the value of the real and person-

al estate held by said corporation, shall not exceed the sum of two hundred thousand dollars.

SEC. 3. The board of trustees shall, from time to time, appoint a president, and such other officers, teachers, servants and agents of the institution, as may be necessary; and shall have power to displace and remove any or either of them for good and sufficient reasons, and to fill all vacancies which may happen in their own body, by death, resignation or otherwise; and by a vote of a majority to remove, for good cause, any one of said trustees from office.

SEC. 4. The trustees shall have power to appoint a president, secretary and treasurer, and such other officers in their own body and for the government of the same, as may be necessary; and shall have power to direct the branches to be taught, and the course of study to be pursued in the institution and its apartments.

SEC. 5. The board of trustees shall consist of fifteen members.

SEC. 6. That any eight of the members of the board of trustees shall constitute a quorum to do business, and the first annual meeting of the board of trustees shall be held on the second Monday in April, one thousand eight hundred and forty three, and afterwards they shall meet on their own appointments; and the president and secretary of the board, or any four members, may, at any time, call a meeting of the trustees.

SEC. 7. The board of trustees shall faithfully apply all funds by them collected or received, in erecting suitable buildings, supporting the necessary officers, instructors, agents and servants, and in procuring books, maps, charts, globes and other apparatus, necessary to the success of the institution; and in the payment of such other expenses as are usually incurred by such an institution, and to no other use or purpose whatever.

SEC. 8. The treasurer shall give bond to the board of trustees, and their successors in office, in such sum as the board of trustees shall, from time to time, require, and with such conditions and securities as the trustees shall direct.

SEC. 9. All suits against the corporation shall be by summons, served on the president of the board of trustees, as in other cases.

SEC. 10. That, if from any cause, the corporation shall be dissolved and become extinct, the property and effects of said institution, after its debts are paid, shall go to the common school fund of the state of Ohio, under the direction of the court of common pleas for Logan county.

SEC. 11. That any future legislature may alter, amend or repeal this act: provided, such alteration, amendment or repeal, shall not affect the title to any property, real or personal, belonging to said company, nor to any which they may have conveyed or transferred.

SEC. 12. The corporators and their associates and successors shall be held jointly and severally liable in their individual capacity, for all the debts of the corporation, any thing in this act to the contrary notwithstanding.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To authorize the Commissioners of Hamilton county to employ some suitable person to make a plat of all lots in the several divisions and subdivisions in the city of Cincinnati, also, in the several additions to said city lying in the townships of Millcreek and Storrs, in said county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Hamilton county be and they are hereby authorized and required to employ some suitable person to make a correct plat of all divisions and subdivisions, in the city of Cincinnati, also, of the several additions to said city lying in the townships of Millcreek and Storrs, in said county, not already platted and recorded, carefully numbering and describing all lots in said divisions, subdivisions, and additions, and, as far as practicable, to enter the name of the owner or owners of each lot laid down upon said plats.

SEC. 2. That the commissioners aforesaid are hereby authorized to pay the person employed a sum, not exceeding two dollars per day, for the time such person is actually employed in the business aforesaid, to be paid out of the treasury of said county.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the Valley Bank of Ohio, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Jacob Chambers, John Holdeman, James Kelkenny, Robert Martin, Abner Haines, John P. Acton, Geo. Leas, their associates and successors, be and they hereby are created a body politic and corporate by the name of the Valley Bank of Ohio, for the term of fifteen years from the first day of May, one thousand eight hundred and forty three, to be located at Eaton, in the county of Preble, in this state, and to be entitled to all the powers and privileges, and be subject to all the duties, liabilities, restrictions and requirements of the act entitled "an act to regulate banking in Ohio," passed March seventh, one thousand eight hundred and forty two, and the act amendatory thereto, passed February twenty first, one thousand eight hundred and forty three; the capital stock of which corporation, shall consist of twenty five thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to one hundred thousand dollars, which increased capital stock shall be paid in, in gold and silver; provided said company shall organize and commence business on or before the first day of September, one thousand eight hundred and forty three, otherwise this act to be null and void.

SEC. 2. That Simon Perkins, George Parsons, and Franklin Freeman, and such of their late associates, and such other persons as may associate

with them, and their successors, shall be the corporators of the Western Reserve Bank, omitted to have been named in the fifteenth section of the act entitled "an act to amend the act to regulate banking in Ohio," passed February twenty first, anno domini, one thousand eight hundred and forty three.

SEC. 3. It is hereby declared to be the true intent and meaning of the thirteenth section of the act entitled "an act to regulate banking in Ohio," passed March seventh, anno domini, one thousand eight hundred and forty two, that the circulating notes or bills of a bank shall not be greater than the amount of the capital stock subscribed, paid in, and remaining in the employment of such bank.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To amend the act entitled "An act to incorporate the town of Greenville," passed February 4, 1839.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the east part of the north west quarter of section thirty five, of township twelve, of range two, east, containing one hundred and eight acres; also, the northwest part of fraction number ten, of section thirty five, of township twelve, of range two, containing twenty acres; also, the northwest part of fraction six and seven, of section thirty five, of township twelve, range two, containing five acres; and the northwest part of fraction number two, containing two acres, as is now owned by Samuel Armstrong and James Armstrong, as tenants in common, and which is unimproved and in a state of nature, be and the same hereby is excluded from the corporate limits of the town of Greenville, in the county of Darke, and declared not to be subject to the operations of the act entitled "an act to incorporate the town of Greenville," passed February fourth, one thousand eight hundred and thirty nine.

SEC. 2. That so much of the act entitled "an act to incorporate the town of Greenville" passed February four, one thousand eight hundred and thirty nine, as conflicts with the first section of this act, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

For the relief of John Purinton, Daniel Sartwell, and Henry Primer.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Purinton, of the county of Portage, Daniel Sartwell, of the county of Medina, and Henry Primer, of the county of Paulding, be and they are hereby restored to all the rights and privileges of citizenship.

SEC. 2. This act to take effect and be in force from and after the passage thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

For the relief of David W. Boyer.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township treasurer of Licking township, Muskingum county, is hereby authorized to pay David W. Boyer the sum of sixty dollars, as compensation for teaching school one term, in district number one, of said Licking township.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To repeal the charter of the town of Findlay.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled an act to incorporate the town of Findlay, in the county of Hancock, passed March seventh, one thousand eight hundred and thirty eight, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To amend the act entitled "An act to incorporate the city of Chillicothe, in the State of Ohio," passed March 14, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the eleventh and twenty seventh sections of the act to which this is an amendment, as was repealed by the act entitled "an act to repeal so much of each and every act of the general assembly as empowers any incorporated city, town, village, or borough within the state, to license groceries or coffee houses, or in any manner confer the power to retail spirituous or intoxicating drink," passed March seventh, one thousand eight hundred and forty two, be and the same is hereby revived, and shall be in full force and effect from and after the first day of April, one thousand eight hundred and forty three.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the Madison Band, of Butler county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Simeon Taylor, Samuel Taylor, John Craig, J. C. Weaver, John H. Powers, D. C. Crows, Jacob Simpson, Jacob Brubaker, their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the Madison Band, and, as such, shall have the right to sue and be sued, to plead and be impleaded, to have and own, in their corporate name, an amount of property not exceeding one thousand dollars.

SEC. 2. The said corporators shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate literary societies," passed March seventh, one thousand eight hundred and thirty nine, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the Mechanic Association of Fulton, Hamilton county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That E. H. Fillmore, M. M. Jackson, Peter Fleak, Levi H. Knowles, Robert Tealon, H. H. Morris, Andrew Sherer, Enos Anderson, and their associates and successors are hereby made and constituted a body politic and corporate by the name and style of the Mechanic Association, of Fulton, and, as such, shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate literary societies," passed March seventh, one thousand eight hundred and thirty nine, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To amend the act entitled "An act to lay out and construct a graded state road from Jeromesville, in Wayne county, to Sunbury, in Delaware county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled an act to lay out and construct a graded state road, commencing at Jeromesville, in Wayne county, and running from thence by the way of Haysville, Perrysville, and Newville, in Richland county, and Frederick, in Knox county, to a place at or near Sunbury, in Delaware county, where said road intersects the state road running from Mt. Vernon to Columbus City, passed March tenth, one thousand eight hundred and thirty seven, be and the same is hereby altered and amended as to the location of said road, between Haysville, Richland county, and Jeromesville, Wayne county, so as to require said graded state road to be laid out and constructed on the line of the state road leading from Mansfield, in Richland county, to Wooster, in Wayne county, between said town of Haysville, and the west line of Wayne county, and from thence on the best and most practicable route, to Jeromesville, in Wayne county.

SEC. 2. That Joseph Hastings and Wm. B. Hammet, of Richland county, and Joseph M'Comb, of Wayne county, be and they are hereby appointed commissioners, and Wm. Scott, of Richland county, surveyor, to lay out, survey and establish said alteration in said graded state road, and the said commissioners and surveyor, in locating said road, shall have special regard to private, in connection with public interest, and shall be governed in all respects by the law now in force defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand

eight hundred and thirty one, and the expenses of laying out and establishing said alterations shall be paid in the manner pointed out in said last mentioned act; and should either of the commissioners, or the surveyor, named in this act, die or refuse to serve, the commissioners of the county, where such vacancy may happen, shall fill the same as often as it may occur.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 18, 1843.

AN ACT

To lay out and establish a State Road, from the city of Columbus to Sandusky City, in Erie county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That George T. Frees, of Crawford county, John Lugenbeel, of Delaware county, and Philip J. Price, of Seneca county, be and they are hereby appointed commissioners, and William Brown, of Marion county, surveyor, to lay out and establish a state road, commencing at the north end of High street, in the city of Columbus; thence through Worthington, in the county of Franklin; thence through Delaware, Norton, and Waldo, in the county of Delaware; thence through Bucyrus, in the county of Crawford; thence through Attica, in the county of Seneca; thence, the nearest and best route, to Sandusky City, in the county of Erie.

SEC. 2. That the commissioners of the county, in which any vacancy may occur, by death, resignation, or otherwise, are hereby required to fill the same.

SEC. 3. That said commissioners shall be governed by the laws now in force relating to laying out and establishing state roads.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the Milan Fire Engine Hook and Ladder Company, in the county of Erie.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Alexander McClure, H. C. Walker, S. F. Taylor, Levi Wilcoxon, S. H. Lockwood, Daniel P. Fuller, S. Webber, Daniel Hamilton, and their associates and successors, are hereby created a body politic and corporate, under the name and style of the Milan Hook and Ladder Company,

with succession for thirty years, and, as such, shall be competent to sue, and be sued in all courts of this state, to contract, and be contracted with, and they shall have power to acquire and hold property, real, personal, or mixed, to the value of not more than three thousand dollars, and the same to convey at pleasure.

SEC. 2. That said company may have a common seal, and the same alter or renew at pleasure, and shall have power to make and enforce such by-laws, not inconsistent with the constitution of the United States or of this state, as they may deem proper and necessary for the organization and good government of its members, and the management of their corporate affairs.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the Dayton and Mad River Valley Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Alexander Swaynie and Martin Rohrer, of Montgomery, John Kneisly, Abraham Huffer and John Chambers, of Greene, and Jacob Kershey and W. A. Lamme, of Clark county, and their associates, be and they are hereby created a body corporate under the name of the Dayton and Mad River Valley Turnpike Road Company, for the purpose of constructing a road from Dayton, in Montgomery county, to commence at the north end of the bridge across near Mad river; thence to John Kneisly's mills; thence by Abraham Huffer's mills in Greene county, to Midway, in Clark county; thence to George Crofts, and from thence by the most practicable route to the national road, west of Mad river, in Clark county; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company may be seventy five thousand dollars, divided into shares of fifty dollars each.

SEC. 3. That the above named commissioners, shall meet at the city of Dayton at such time as they shall think fit, and proceed to organize the said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as one hundred shares shall be subscribed, the above named commissioners shall call a meeting of the stockholders, in the manner prescribed in the third section of the said act to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road the following tolls, for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses or oxen, fifteen cents; for every horse or ox in addition, five cents;

For every sled or sleigh, drawn by two horses or oxen, ten cents; and for every horse or ox in addition, five cents;

For every horse and rider, five cents;

For every horse, mule or ass six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, thirty cents; for every horse in addition, five cents;

For every two wheeled pleasure conveyance, drawn by one horse, five cents;

For every four wheeled pleasure carriage, drawn by one horse, twenty cents;

For every cart, drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents.

SEC. 6. That whenever five continuous miles of said road is completed, according to the provisions of the said act for the regulation of turnpike companies, the aforesaid company may erect a gate and raise tolls from persons traveling said road, at the above specified rates, provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act for the regulation of turnpike companies, saving only, persons conveying public mails of the United States, which last mentioned persons shall not pass free, as in the said act provided.

SEC. 7. That said company shall be subject to the provisions of all acts now in force, or which may be hereafter enacted for the purpose of governing and regulating turnpike companies generally, in this state.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To establish a Free Turnpike Road from Ottawa, in the county of Putnam, to the Indiana state line in the county of Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Christian Huber, of Putnam county, Sidney S. Sprague and Elijah Lloyd, of Williams county, be and they are hereby appointed commissioners, to lay out and establish a free turnpike road from the town of Ottawa, in the county of Putnam; thence, upon the nearest and best ground, to the town of Defiance, in the county of Williams; thence to Brunersburg; thence to

Bryan; thence to West Buffalo, in Williams county; thence to the state line between Ohio and Indiana, in the direction of Angola, in the state of Indiana; which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That the said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any powers devolving upon or intrusted to them by this act; and they shall keep a record of their proceedings which shall be at all times open for inspection by any person desiring to inspect the same.

SEC. 3. That said commissioners shall meet on the first Monday of April, one thousand eight hundred and forty three, or at any time within sixty days thereafter, and organize by choosing one of their number president of said board, and they shall then take measures to view, locate and establish said road; and of all such locations they shall file a copy with the auditor of each county through which the said road may pass.

SEC. 4. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same, in a solid and durable manner, and keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof, as will soonest render the whole line thereof available for travel and transportation, and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 5. The taxes levied for road purposes on all property within two miles of said road, on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agent or agents appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act, as shall be paid into the county treasury, shall be computed by the county auditor as accurately as may be, and paid over to said commissioners or their agent; and all taxes so computed by the county auditor, shall be expended on said road in the county where collected.

SEC. 7. It shall be the duty of the county auditors of the respective counties through which said road shall pass, in computing the portion of road tax that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land not exceeding one hundred and sixty acres, of which any part shall be within said limits; and for all duties performed by them, under this act, they shall be allowed the same fees allowed by law, for similar services, in other cases.

SEC. 8. The commissioners shall have power to receive donations of land, to aid in the construction of said road, and to convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands, only on such parts of the road as shall have been permanently located and established.

SEC. 9. The said commissioners and their successors, shall be a corporation by the name and style of the Ottawa, Defiance, and West Buffalo free turnpike road, for the purpose of carrying into effect the provisions of this act;

and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon, and the form of such prosecutions shall be [in the action of] debt; and the amount recoverable in each case, shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all such cases, the said trustees shall have a right to sue either before a justice of the peace, or in the court of common pleas of the proper county; which suits shall be appealable as in other cases, and the amounts collected in each case, shall be for the benefit of said road, and shall be paid to said trustees.

SEC. 10. The said trustees shall, annually, in the month of January, make a full settlement of their receipts, and expenditures, under this act, and publish an account thereof, in some newspaper having general circulation along the line of said road, and also deposit a copy thereof in the auditor's office, in each county, through which the road may pass.

SEC. 11. The supervisor of any road district, through which any part of said road may pass, shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient to the construction, preservation, and repair of said road; and the same shall be applied under the direction of said trustees, or their agent or agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses, when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county in which such vacancy may happen, on being notified thereof, shall fill the same as often as it may occur.

SEC. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act, to the construction preservation and repair of the same.

SEC. 14. All claims for damages, arising out of the location of said road, shall be settled in the manner prescribed by the act for the opening and regulating roads and highways, and all damages, assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will be equal to the amount of damages assessed.

SEC. 15. This act to take effect and be in force from and after the passage thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To repeal an act entitled "An act to incorporate the members of the Mohican German Lutheran and Reformed Congregation, of Lake township, in the county of Wayne."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to incorporate the members of the Mohican German Lutheran and Reformed Congregation of Lake township, in the county of Wayne," passed January third, A. D., one thousand eight hundred and forty three, be and the same is hereby repealed.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the Old School Presbyterian Church, of Bethel, in Hamilton township, in Warren county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Thomas Dickey, Samuel W. Spence, George Shields, James B. Spence, James Walker, and their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Old School Presbyterian Church, of Bethel, in Hamilton township in Warren county, and, by that name, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of, an act entitled an "act in relation to incorporated religious societies," passed March fifth, anno domini, one thousand eight hundred and thirty six, and of an act entitled an "act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The corporators above named shall give at least ten days notice, by posting up three advertisements in said township, of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the Goodhope Baptist Church, of Fayette county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Harper, Hugh Campbell, Robert Harper, and their associates, together with such other persons as may hereafter become associated with them, members of the Church of Goodhope, in the county of Fayette, be and they are hereby created a body politic and corporate, with succession for thirty years, by the name and style of the Goodhope Baptist Church, of Wayne township, in Fayette county, and, by that name, shall have all the rights, privileges and immunities granted by, and be subject to all the restrictions defined in the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of the act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That said corporators, or a majority of them, shall give ten days notice, by posting up written or printed advertisements in three of the most public places in said town, of their first meeting under the provisions of this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the First Regular Baptist Church, of Troy, in Miami county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Mark S. Wagoner, C. B. Clark, David M. Campbell, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the First Regular Baptist Church, of Troy, in Miami county, and, as such, shall be entitled to all the rights, privileges and immunities granted by, and be subject to all the restrictions of, an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, also "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust, for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of an "act instituting proceedings against corporations not pos-

sessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. That the corporators shall give ten days notice of the time and place of their first meeting under this act, by posting up advertisements in three of the most public places in said town.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the First Presbyterian Church of Millgrove, in Wood county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John G. Willard, John Bradner, Samuel S. Palmer, George W. Adams, Robert McCormick, John A. Kelly, James Merrick, George McCormick, and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of the First Presbyterian Church, of Millgrove, in Wood county, and, as such, shall be entitled to all the rights, privileges, and immunities granted by, and shall be subject to all the restrictions of, the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, and of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 2. The corporators shall give ten days notice of their first meeting under this act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To incorporate the town of Mansfield, in the county of Richland, and to repeal all acts now in force in relation thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the township of Madison, in the county of Richland, as is comprised and designated in the town plat of inlots, in the town of Mansfield, and recorded in the recorder's office in the county of Knox, be and the same is hereby created a town corporate, and shall henceforth be known and distinguished by the name of the town of Mansfield, and shall be governed by the provisions of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine, except in so far as the provisions thereof are modified, and further provisions are made by this act.

SEC. 2. All suits or other proceedings, instituted by or against the corporation, shall be in the name of the town of Mansfield.

SEC. 3. The town council shall establish and organize all such fire companies, and provide them with proper engines, and other apparatus that may be necessary to extinguish fires, and preserve the property of the inhabitants from conflagration, and they shall make such bylaws and regulations for the government of such fire companies, and for the owners of property in said town providing fire buckets as they shall think fit, expedient and proper.

SEC. 4. The town council shall have power to erect, establish and regulate market and market places, and provide for the government thereof, and to grant or refuse license to showmen, keepers and managers of theatrical exhibitions, and all other exhibitions for money, or reward, and to exact and receive therefor such sum, or sums of money, as they shall deem expedient and proper, and annex thereto such terms and conditions, as to time, place and other circumstances, under which such license shall be acted upon, as in their opinion the peace, quiet and good order of society, in said town, may require, and, generally, to ordain, and establish all such bylaws, and ordinances, consistent with the constitution and laws of the United States, and of this state, as they shall deem necessary for the regulation, interest, safety, health, cleanliness, and convenience of said town, and the inhabitants thereof.

SEC. 5. That the said town council shall make and publish all such ordinances, from time to time, as they may deem necessary, to secure said town, and the inhabitants thereof, from the ravages of fire, the depredations of thieves, burglars and persons violating the public peace of said town, and, also, for the proper regulation, improvement and ornament of the streets, highways, alleys and public grounds, within said corporation; and, also, for cleaning, draining, paving, turnpiking, or otherwise keeping the same in repair; and for all the purposes specified in this act, may appoint such officers and agents, with such powers, and authorities, as they may deem expedient.

SEC. 6. That the town council shall have power to make bylaws, regulating the sidewalks, and by ordinances duly published, to require each owner of a lot, or part of a lot, fronting on the public square of said town, or on east Diamond street, or on west Diamond street, or on Market street, in said town, to make pavements, or sidewalks, of such width, and in con-

formity with such grade, and of such materials as the town council shall direct, and with good substantial curbing thereto; provided, that any such ordinance shall be published at least three months previous to the end of the period at which any paving shall be required to be completed, which shall not be at any time after the first of December, and before the first of May.

SEC. 7. Whenever the town council shall receive a written notification, signed by the proprietors of more than one half of the ground fronting upon any of the other streets, along any block or square, in said town, setting forth their willingness to pave the sidewalks and curb the gutters in front of their own premises upon such street, the said council may direct, by ordinance, the respective owners of such ground to pave the sidewalks and curb the gutters, in front of the respective portions of such ground owned by them, and fronting on such street.

SEC. 8. If any owner or owners of a lot, lots, or part of a lot, as aforesaid, within said town, shall neglect or refuse to pave the sidewalks or curb the gutters in front of his, her or their premises, when required to do so, in accordance with the provisions of either of the two preceding sections of this act, and within the time prescribed by the town council, the said town council may then pave such sidewalk and curb the gutter, and may recover the cost thereof against the proprietor, either by an action in any court having cognizance thereof, or the same shall be assessed as a tax on the premises, and entered on the duplicate, and collected in the same manner as the other taxes of said town shall be collected.

SEC. 9. The said town council, to defray the current expenses of said town, shall have power to levy and collect taxes on the real and personal property within said town, which shall be liable to taxation for state and county purposes, as the same shall be assessed, appraised, and returned, on the grand levy of the state; provided such tax, so levied, shall not exceed, in any one year, five mills on the dollar upon the assessed valuation of such property, returned as aforesaid; which said tax shall be levied and collected in manner following, to wit: the said town council shall, on or before the second Monday of June, in each year, determine the per centum to be levied upon the taxable property within said town, not exceeding the amount aforesaid, and cause the same to be certified to the auditor of the county of Richland; and the said auditor is hereby directed and authorized to place the same, in additional columns, upon the duplicate of taxes for said county, in the manner in which township taxes are now placed upon said duplicate; which corporation taxes shall be collected by the county treasurer, or such other officer as may be hereafter authorized, by law, to collect the county taxes of said county, and paid into the treasury of said corporation in the same manner, with the same power, and under the same restrictions and regulations, in all respects, as to the sale of real and personal property, as may be provided and required by law for the collection of state and county taxes; and the county auditor shall be entitled to receive the same fees that are, or may be provided by law for like services, in relation to state and county taxes, (he being allowed only for the additional labor performed, by placing such tax on the duplicate;) and the county treasurer shall be allowed four per centum on all moneys collected by him, and paid into the treasury of said town.

SEC. 10. The first election, under this act, shall be held on the last Monday in March next, and on the same day, annually, thereafter; the present town council shall give ten days notice of the time and place of holding the first election under this act, any two of whom, with the recorder as clerk, shall hold said first election; and, in all other respects, the same shall be regulated by the provisions of the act entitled "an act for the incorporation of towns."

SEC. 11. This act shall be taken and received in all courts, and by all judges, justices of the peace and other public officers, as a public act.

SEC. 12. The act entitled "an act to incorporate the town of Mansfield, in the county of Richland," is hereby repealed; provided, that said body corporate shall continue under this act of incorporation, and all ordinances, passed pursuant to the provisions of the law hereby repealed, shall continue in force until repealed by the authority of said corporation, and all contracts, agreements, or obligations, now binding on said body polltic and corporate, shall remain in full force, and be obligatory under this act.

SEC. 13. The town council shall, previous to the expiration of their term of office, in each year, publish, in some newspaper printed in Mansfield, aforesaid, the entire receipts and expenditures of said corporation, stating to whom, and for what purpose, all moneys have been paid out by them.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

AN ACT

To authorize the trustees of the Methodist Episcopal Parsonage, in Malta Circuit, Ohio Conference, to sell certain lots.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Arthur Corner, William Corner, Gilman Wilson, William Horsman, and Andrew Vest, being trustees in charge of the Methodist Episcopal Parsonage, in the Malta circuit, Ohio Conference, or their successors, or a majority of them, are hereby authorized and empowered to sell and dispose of, on such terms as they may deem proper, inlots numbered nineteen and twenty, as designated on the plat of the town of Rosseau, in the county of Morgan, being the same two lots deeded by Joshua Davis and wife, to said trustees, in trust for the use of a parsonage for said Malta circuit, with all and singular the appurtenances thereunto belonging, and to apply the proceeds thereof, subject to the order of the quarterly meeting conference of said Malta circuit; and upon such sale and disposition of said real estate, to execute and deliver to the purchaser, a deed of conveyance for the title thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

RESOLUTIONS.

RESOLUTION

Relative to paper in the possession of P. B. Wilcox, Esq.

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State be authorized to receive, on behalf of the state, from P. B. Wilcox, Esq., such quantity of paper as he may have procured for the publication of the decisions of the court in bank, made at December term, 1841, and which he may now have on hand, for which the Secretary of State is authorized to pay an amount not exceeding the cost price, out of the stationery fund.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

December 20, 1842.

RESOLUTIONS

In relation to the Bankrupt Law.

Resolved, by the General Assembly of the State of Ohio, That our Senators in Congress be instructed, and our Representatives be requested, to use their best exertions to effect the immediate repeal of the bankrupt law.

Resolved, That the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

December 26, 1842.

RESOLUTIONS

Relative to the Congressional Apportionment law.

Resolved, by the General Assembly of the State of Ohio, That congress has no right, under the constitution of the United States, to prescribe the manner, time or place, of holding elections for members of its own body, except in cases where the legislature of the states shall refuse or fail to make provision for the same.

Resolved, That if the General Assembly, shall proceed to divide this state into single districts for the election of members of the House of Representatives of the United States, it will not be done through any assent to the power assumed and exercised by congress, but in accordance with long established custom and the peculiar preferences of the free citizens of this state.

Resolved, That the General Assembly, acting in behalf of the people of the state of Ohio, do hereby solemnly protest against the late attempt of the national legislature to encroach upon the independence of the several states composing this Union; and the second section of the act alluded to is hereby declared to be unconstitutional, arbitrary, and of no binding effect upon the states.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost influence in effecting the repeal of the said section of the act aforesaid.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

December 26, 1842.

RESOLUTIONS

In relation to refunding the fine imposed upon General Jackson, at New Orleans.

Resolved, by the General Assembly of the State of Ohio, That our Senators in Congress be instructed, and our Representatives in Congress be requested, to exert themselves to procure the passage of a law to refund to General Andrew Jackson the fine imposed upon him at New Orleans by Judge Hall, together with the interest thereon from the time the same was paid.

Resolved, That the Governor be directed to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 3, 1843.

RESOLUTION

In relation to the claim of James Stephens.

Resolved, by the General Assembly of the State of Ohio, That the sum of fifteen dollars, be and the same is hereby allowed James Stephens for services rendered the state at the State House, and that the payment of the same be provided for in the general appropriation bill.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 3, 1843.

RESOLUTION

Relative to appointing a committee to investigate the affairs of the Ohio Penitentiary.

Resolved, by the General Assembly of the State of Ohio, That a committee of one on the part of the Senate, and two on the part of the House, be appointed to investigate the affairs of the Ohio Penitentiary, so far as it may be necessary to a correct understanding of the official conduct of William B. Van Hook, while acting in the capacity of Warden of said Penitentiary, and the causes that led to his removal from office, and to this end that they have power to send for persons and papers, to examine parties interested, and other persons under oath, so that said committee, or a majority of them, make report of their proceedings in the premises to this General Assembly.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 4, 1843.

RESOLUTION

Instructing our Senators and requesting our Representatives in Congress to endeavor to effect certain amendments in the Post Office law.

Resolved, by the General Assembly of the State of Ohio, That our Senators and Representatives in congress, be requested to use their efforts to have the post office law so altered as that newspapers shall not be charged with postage in the congressional district in which they are printed. That the newspapers published in Washington City shall not be charged with postage during the session of congress. That the newspapers printed at the seat of government of the several states, pass free of postage during the session of the legislature in which they are published. That documents

printed by order of the legislature of each and every state within the United States, shall not be chargeable with postage within the state in which they are ordered to be printed. That the rates of postage on letters be changed and made to correspond with the coinage of the United States.

Resolved, That the governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in congress.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 6, 1843.

RESOLUTION

Relative to certain lands forfeited to the State for the nonpayment of Taxes.

Whereas, certain lands have been taxed upon the duplicate of Lucas county, in the name of the University of Michigan, and which, from the nonpayment of taxes, have become forfeited to the state of Ohio; and, whereas, it is claimed by the superintendent of public instruction of the state of Michigan, that said lands, having been granted by the congress of the United States to the Michigan University, and selected whilst the township of Port Lawrence, in Lucas county, in which they are situated, was within the limits claimed by said state of Michigan, and for that as well as the purposes to which the lands are appropriated, are not taxable by the state of Ohio under the laws of the United States and state of Ohio; therefore,

Resolved, by the General Assembly of the State of Ohio, That the auditor of state be authorized and required to remit the forfeiture of said lands to the state of Ohio, with all the taxes, interest and penalty which have accrued thereon, and strike the same from the duplicate of Lucas county, to be reinstated again when the same shall be sold by the state of Michigan.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

RESOLUTION

Calling on the Board of Public Works for certain information.

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be and they are requested to report, at as early a day as practicable, the number of clerks, engineers, assistant engineers, superintendents, collectors of toll, and all other officers and servants employed by the Board of

Public Works, at the expense of the state, the amount of compensation paid to each, and how paid, and the amount of services performed by each, and also how many have been employed since the passage of the act entitled "an act to amend an act entitled 'an act to abolish the board of canal commissioners, and to revive the board of public works,'" passed March twenty ninth, one thousand eight hundred and forty one.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

RESOLUTION

Relative to making certain appropriations therein specified.

Resolved, by the General Assembly of the State of Ohio, That George Knupp, Sergeant-at-arms of the Senate, be paid four dollars and fifty cents expense of serving subpoenas during the investigation of the settlement accounts of Richard Stadden, late superintendent of the national road; and that S. D. Preston be paid the sum of six dollars and eighty four cents, for twenty four yards of carpet, &c., for the use of the state house; and that William Kelsey be paid fifteen dollars for ice furnished during the adjourned session; and that Joel Searles be paid eight dollars for four fireboards for state house; and that all the above sums be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 11, 1843.

RESOLUTION

In relation to the claim of P. B. Wilcox.

Resolved, by the General Assembly of the State of Ohio, That P. B. Wilcox be paid twenty five dollars for services rendered as attorney in behalf of the state against the German Bank of Wooster, and that the same be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 16, 1843.

RESOLUTION

Relative to certain awards and the Board of Public Works.

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be and they are hereby authorized and required, in all cases where awards have been made for damages, in consequence of the construction of any of the public works or improvements of the state, exclusively owned by the state, to allow interest on the same, at the rate of six per centum per annum, from the time such awards were made, up to the time of payment thereof.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 19, 1843.

RESOLUTION

Appointing a Commission to investigate Licking Summit Reservoir Navigation Company.

Resolved, by the General Assembly of the State of Ohio, That John Lidey, Solomon Whitmer, and John Stockberger be and they are hereby appointed commissioners to examine the receipts and expenditures, and all other affairs of the Licking Summit Reservoir Navigation Company; for which purpose they are authorized to call on the president, directors, secretary, treasurer, and all other agents or stockholders of said company, for the books, papers, and vouchers of the actions or transactions of said company; and the expenses incurred by said examination to be paid by said company on the certificate or certificates of said commissioners, and after a full examination is made, said commissioners to report to the stockholders the affairs and situation of said company; provided, that before said commissioners shall proceed to make such examination, some person or persons, interested as a stockholder in said company, shall execute to the state of Ohio, with sufficient security, a bond, conditioned that the said company shall pay all expenses incident to said examination, including the pay of the commissioners, and deposit such bond with the auditor of state.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 24, 1843.

RESOLUTION

Requiring the Auditor and Treasurer of Columbiana county to pay to Peter Fisher certain money.

Resolved, by the General Assembly of the State of Ohio, That the auditor and treasurer of Columbiana county be and they are hereby authorized and required to pay to Peter Fisher, out of any money now in the treasury of said county, or, that may hereafter come into said treasury, belonging to township six, range two, in said county, from interest on school section sixteen fund, the sum of sixty six dollars eighty seven cents, being the amount overpaid by said Fisher on the purchase of lot number two in section sixteen in said township and range; and the said auditor shall take from said Fisher duplicate receipts, one of which he shall file in his office and deliver the other to the treasurer of said township.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 24, 1843.

PREAMBLE AND RESOLUTIONS

In relation to obstructions in the navigation of our Western Rivers, and the improvement of the Harbors on the Lakes, &c.

Whereas, the lives of thousands of our valuable citizens have been destroyed, and millions of property lost, in consequence of the obstructions in our western rivers, and the want of safe and accessible harbors on our lake coast; and, whereas, the congress of the United States alone possesses the right to regulate commerce, and provide for the collection of revenue, and is, therefore, justly the guardian of both the foreign and domestic commerce of the country; and, whereas, the Ohio and Mississippi rivers, together with the western lakes, are public highways, free to the citizens of all the states of this Union; therefore be it

Resolved, by the General Assembly of the State of Ohio, That in consideration of the vast amount of commerce, floating upon those waters, the importance of a safe and cheap navigation to all the states, and the immense destruction of property, and loss of human lives, almost daily occasioned by the obstructions in the rivers, and the want of suitable harbors on the lakes, we consider it important that appropriations be made by congress, for the removal of said obstructions in the Ohio and Mississippi rivers, and for the repair of the dilapidated, and the further construction of the necessary harbors, and light houses, on the lake coasts, with as little delay as practicable.

Resolved, further, That our Senators in congress are hereby instructed and our Representatives requested to use their influence and best endeavors to procure such appropriations by congress, as shall secure as fast as practicable the removal of the snags, and other obstructions in the Ohio

and Mississippi rivers, and repair the present, and construct the further necessary harbors, and light houses, on said lakes; and that the governor of this state forward to each of our sentators and representatives in congress, a copy of the foregoing preamble and resolutions.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

RESOLUTION

Relative to the admission of a Chinese child into the Ohio Asylum for the Blind.

Resolved, by the General Assembly of the State of Ohio, That the trustees of the Ohio Institution for the instruction of the blind, be and they are hereby authorized to receive into said institution as a pupil, at the expense of the state, for the term of five years, one blind Chinese child, lately brought to the United States by Mrs. Gutzlaff.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

RESOLUTION

To print three thousand copies of the Annual Report of the Board of Public Works.

Resolved, by the Senate and House of Representatives, That three thousand copies of the annual report of the board of public works be printed for the use of this General Assembly.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

RESOLUTION

Relative to printing three thousand copies of the report of the Directors and Warden of the Ohio Penitentiary.

Resolved, by the Senate and House of Representatives, That three thousand copies of the report of the directors and warden of the Ohio Penitentiary be printed, three hundred whereof shall be for the use of said directors and warden, and the residue for the use of this General Assembly.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

January 25, 1843.

RESOLUTION

In relation to the claim of I. N. Whiting & Huntington.

Resolved, by the General Assembly of the State of Ohio, That I. N. Whiting & Huntington be paid fifty dollars and twenty three cents for stationery furnished the court in bank during the sessions of said court in one thousand eight hundred and forty one and one thousand eight hundred and forty two, and that this payment be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 2, 1843.

RESOLUTION

Allowing compensation to Jacob Medary, William Trevitt, and Heman A. Moore, for examining books, &c., of Board of Public Works.

Resolved, by the General Assembly of the State of Ohio, That Jacob Medary, William Trevitt, and Heman A. Moore be paid, each, the sum of one hundred dollars, in full for services rendered in examining the accounts and vouchers of the board of public works, in obedience to a resolution of the General Assembly passed March seventh, one thousand eight hundred and forty two, and that this payment be provided for in the General appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 2, 1843.

RESOLUTION

Relative to certain claims.

Resolved, by the General Assembly of the State of Ohio, That Joel Searles be paid four dollars; that M'Coy, Work and M'Coy, be paid one dollar and fifty cents; and that Andrew Sites be paid seventy five cents; and that these payments be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 2, 1843.

RESOLUTION.

Relative to extending the time of payment of Delinquent Taxes for the year 1842.

Resolved, by the General Assembly of the State of Ohio, That the treasurer of state, on the certificate of the auditor of state, be authorized to receive taxes on lands and town lots, returned delinquent for the year one thousand eight hundred and forty two, until the twentieth of March next.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

RESOLUTION

Instructing our Senators and requesting our Representatives to procure the repeal of the law changing the place of holding the Circuit Court.

Resolved, by the General Assembly of the State of Ohio, That our Senators in congress be instructed and our Representatives requested to use all their influence to procure the repeal of the law passed at the last session of congress, removing the summer term of the United States circuit court from Columbus to Cincinnati, and to have said court holden in future at the city of Columbus.

Resolved, That the governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in congress.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

RESOLUTION

Allowing compensation to Wm. Goudder for collecting, transporting and storing Public Arms.

Resolved, by the General Assembly of the State of Ohio, That Wm. Goudder be paid the sum of fifty dollars for his services in the collection, transportation and storage of public arms in the first division of Ohio militia, to be paid out of any money in the state treasury not otherwise appropriated, and that the same be provided for in the general appropriation bill.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 9, 1843.

RESOLUTION

Requiring reports from State Institutions during the first two weeks of any session of the General Assembly.

Resolved, by the General Assembly of the State of Ohio, That it is hereby declared to be the duty of every public and private institution in this state, (that is entitled to, and receives, any portion of the revenue of this state for its support, and which is not now required by any law or resolution of this state to report annually to the General Assembly its condition, expenditures and resources,) to report, annually to the General Assembly, the condition of such institution its resources and expenditures for the fiscal year, ending November 15th, of each year; which report shall be made to the General Assembly within the first two weeks of the session.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

RESOLUTION

Admitting John Sullivan into the Deaf and Dumb Asylum, as a State Pupil.

Resolved, by the General Assembly of the State of Ohio, That the trustees of the Deaf and Dumb Asylum, be and they are hereby authorized to admit John Sullivan, of Logan county, as a state pupil in said asylum.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

RESOLUTION

Admitting Sarah M'Gehan into the Deaf and Dumb Asylum.

Resolved by the General Assembly of the State of Ohio, That the directors of the asylum for the education of the Deaf and Dumb, be authorized to admit Sarah M'Gehan, of Perry county, as a pupil, in addition to the number authorized by law.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

PREAMBLE AND RESOLUTIONS

Relative to levying a tax on Western Produce by the city authorities of the City of New Orleans.

Whereas the corporate authorities of the city of New Orleans, have, by their city regulations, imposed a tax upon all articles shipped to, and landed in, said city of New Orleans; and, whereas, said tax is a grievous burden to a large proportion of the citizens of this state, and of the western states generally, who by their locality, have a reciprocity of interest with the citizens of said city; and, whereas, it is believed that said tax is an arbitrary assumption of power, and not warranted by any rule of the laws of trade, or assumed by any other city of this Union; and, whereas, the common carriers on the western waters are now and always have been paying wharfage to the city of New Orleans, in common with all other cities; and, whereas, it is believed that the interests of this state and the interest of the state of Louisiana, are deeply interested in the establishment of the principles of free trade with the several states of this Union; therefore,

Resolved, That the best interests of this state, the western and southern states, would be best subserved by the interposition of the legislative authority of the state of Louisiana, in prevention of the city authorities of the city of New Orleans, imposing a tax upon shippers who are in the habit of shipping articles of produce to that market.

Resolved, That the governor be requested to forward a copy of the foregoing preamble and resolutions to the governor of Louisiana, requesting that the same may be laid before the legislature of that state.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

RESOLUTION

Relative to transmitting duplicate lists of appraisal of Wabash and Erie Canal Lands, to the Lima Land Office.

Resolved, by the General Assembly of the State of Ohio, That the commissioners appointed under the act of this session, providing for the appraisal of the Wabash and Erie canal lands, be required and instructed to make out and transmit, at the same time that they do duplicate lists of said lands and appraisal, to the Perrysburg land office, and the governor of state, an additional duplicate list to the Lima land office, in Allen county, where a portion of said lands are held for sale, and the governor is hereby authorized and required, on the passage of this resolution, to transmit one copy of this resolution to each of the commissioners herein referred to.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

RESOLUTION

Relative to receiving Samuel College into the Lunatic Asylum.

Resolved, by the General Assembly of the State of Ohio, That the superintendent of the Lunatic Asylum be directed to receive and consider the application in behalf of Samuel College, an unnaturalized foreigner, for admission into the institution under his charge, and to act in the premises as though the said College were a citizen of this State.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

RESOLUTION

Relative to certain claims.

Resolved, by the General Assembly of the State of Ohio, That James French be paid twenty three dollars and seventy eight and a half cents, in full of his accounts rendered for articles by him furnished and services performed, as per his account rendered; and that J. S. White be paid six dollars, in full for services in opening and attending the state house two days at the extra session in one thousand eight hundred and forty two; and that I. N. Whiting & Huntington be paid two dollars and fifty cents, in full of their ac-

count, for wax and paper at the extra session in one thousand eight hundred and forty two; and that the payment of said sums be provided for in the general appropriation bill.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

February 28, 1843.

PREAMBLE AND RESOLUTION

Relative to certain treaties with certain Indian tribes, northwest of the river Ohio, &c., &c.

Whereas, by a treaty of peace, between the United States of America, and the tribes of Indians called the Wyandotts, Delawares, Shawnees, Ottawas, Chippewas, Pottawattamies, Miamies, Eel Rivers, Weas, Kickapoos, Piankeshaws and Kaskaskias, concluded at Greenville, in the territory of the United States, northwest of the river Ohio, on the third day of August, one thousand seven hundred and ninety five, said tribes of Indians, by the third article of said treaty, ceded to the United States certain lands therein named, to wit: [see treaty, vol. 1, p. 398, U. S. laws.] The general boundary line between the lands of the United States, and the lands of the Indian tribes, shall begin at the mouth of the Cuyahoga river, and run thence up the same to the portage between that and the Tuscarawas branch of the Muskingum; thence, down that branch, to the crossing place above Fort Lawrence; thence, westerly, to a fork of the branch of the Great Miami river, running into the Ohio, at or near which fork is situated Loramie's store, and where commences the portage between the Miami of the Ohio, and Saint Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence, on a westerly course, to Fort Recovery, which stands on a branch of the Wabash; thence, southwesterly, in a direct line to the Ohio, so as to intersect that river opposite the mouth of the Kentucky or Cuttowa river: And, whereas, by articles of a treaty made and concluded at Brownstown, in the territory of Michigan, between William Hull, Governor of the said territory, superintendent of Indian affairs, and commissioner plenipotentiary of the United States of America, for concluding any treaty or treaties which may be found necessary, with any of the Indian chiefs, northwest of the river Ohio, of the one part, and the sachems, chiefs, and warriors of the Chippewa, Ottawa, Pottawattamie, Wyandott, and Shawnee nations of Indians, on the other part:

By the second article of this treaty, the several Indians, aforesaid, in order to promote the object mentioned in the preceding article, and in consideration of the "friendship they bear towards the United States, for the liberal and benevolent policy which has been practised towards them, by the government thereof, do hereby give, grant, and cede, unto the United States, a tract of land for a road of one hundred and twenty feet in width, from the foot of the rapids of the Miami of Lake Erie, to the

western line of the Connecticut Reserve, and all the land within one mile of the said road, on each side thereof, for the purpose of establishing settlements along the same; also a tract of land, for a road only of one hundred and twenty feet in width, to run southwardly, from what is called Lower Sandusky, to the boundary line established by the treaty of Greenville, with the privilege of taking, at all times such timber and other materials from the adjacent lands as may be necessary for making and keeping in repair the said road, with the bridges that may be required along the same." And, by an act of Congress, approved on the twelfth day of December, one thousand eight hundred and twelve, entitled "an act to authorize the surveying and marking of certain roads in the state of Ohio, as contemplated by the treaty of Brownstown in the the territory of Michigan:"

"SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be and hereby is authorized to appoint commissioners, who shall explore, survey, and mark, by the most eligible course, a road from the foot of the Rapids of the River Miami of Lake Erie, to the western line of the Connecticut Reserve, and a road to run southwardly from Lower Sandusky, to the boundary line, established by the treaty of Greenville, which road shall be sixty feet in width; and the said commissioners shall made out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approve of such surveys, shall cause the plats thereof to be deposited in the office of the treasurer of the United States, and the said roads shall be considered as established and accepted pursuant to the treaty held at Brownstown, in the territory of Michigan, on the twenty fifth day of November, one thousand eight hundred and eight."

"SEC. 2. That the aforesaid roads shall be opened and made under the direction of the President of the United States, in such manner as he shall direct." Therefore,

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to urge the passage of a law to carry into effect so much of the provisions of the above mentioned treaty of Brownstown, and of an act of Congress, passed the twelfth day of December, one thousand eight hundred and twelve, as provides for laying out and constructing a road, to run southwardly, from Lower Sandusky, to the boundary line, established by the above mentioned treaty of Greenville.

Resolved, That the Governor be requested to forward a copy of the above preamble and resolution to each of our Senators and Representatives in Congress.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 2, 1843.

RESOLUTION

Requiring the Secretary of State to furnish the Ohio Reports to those Public Officers who are entitled to, but have not received, the same.

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State be authorized and required to procure the necessary number of the Ohio Reports, for the purpose of supplying those public officers who are now entitled to the same by law, but have not been supplied for want of the necessary numbers of that work being furnished to the state, and that the expense of procuring the same be paid for out of the fund for the distribution of the laws.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION

Appointing trustees of the Asylum for the Deaf and Dumb.

Resolved, by the General Assembly of the State of Ohio, That Thomas Kennedy, Elias Gaver, Joseph R. Swan and A. P. Stone, be and they are hereby appointed trustees of the Asylum for the Deaf and Dumb, for the term of three years.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION

Relative to the admission of James H. Wright, as a State pupil in the Deaf and Dumb Asylum.

Resolved, by the General Assembly of the State of Ohio, That the trustees of the Ohio Asylum for the education of the Deaf and Dumb, be and they are hereby authorized to admit James H. Wright, of Ashtabula county, as a state pupil.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTIONS

Requiring an investigation into the affairs of the Cincinnati, Columbus and Wooster Turnpike Company.

Resolved, by the General Assembly of the State of Ohio, That the auditor of state, be and he is hereby directed to investigate or cause to be investigated, by an agent duly appointed for that purpose, the affairs of the Cincinnati, Columbus and Wooster Turnpike Company, and to inquire whether the affairs of said company have been managed in good faith to the state; also, whether the report of the officers of said company upon which the stock subscription of the state was made, was a fair and honest exhibit of the affairs of said company, also as to the disposition made by the company of the funds drawn from the state, and whether any, and if any, how much of the funds paid by the state have actually been expended in the construction of said road, also as to the arrangement made with the Little Miami Railroad Company, by which arrangement said railroad company are permitted to use certain portions of said turnpike road to the great injury and danger of persons traveling said turnpike road.

Resolved, That should said auditor appoint an agent for the purpose aforesaid, the auditor shall allow such compensation to said agent as he may deem just and reasonable, and should said auditor make the investigation in person, he shall be allowed his necessary and proper expenses to be provided for in the general appropriation bill.

Resolved, That the auditor of state report to the next annual meeting of the General Assembly the result of said investigation.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION

In relation to the claim of Buttles and Runyon.

Resolved, by the General Assembly of the State of Ohio, That Buttles and Runyon be paid one dollar and seventy five cents, and that this payment be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION

In relation to the claim of Jacob Boswell.

Resolved, by the General Assembly of the State of Ohio, That Jacob Boswell be paid two hundred and eighty seven dollars and twenty eight cents, in full for sundry articles furnished, and repairs made on State House roof and State Offices, as per account running from September 22, to December 3, 1842, and that this payment be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION

Relative to the claim of William Domigan.

Resolved, by the General Assembly of the State of Ohio, That William Domigan, sheriff of Franklin county, be paid the sum of one hundred and fifty dollars, for attendance upon, room rent, and articles furnished for the supreme court, at its late term in bank, and that the same be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION

Relative to the claim of Gills & M'Cune.

Resolved, by the General Assembly of the State of Ohio, That Gills and M'Cune be paid eighty three dollars in full of their account for one large stove for the Senate Chamber, and one parlour stove for Senate committee room, including pipe, &c., and that payment be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION

Relative to printing the law to regulate Banking in Ohio, and the act amendatory thereto.

Resolved by the General Assembly of the State of Ohio, That so much of the act entitled "an act to regulate banking in Ohio," passed March seventh, one thousand eight hundred and forty two, as remains in force, together with the amendments to said act, passed at the present session, be reprinted in the General Laws of this session.

Resolved, That three thousand copies of said act, with the amendments, be printed in pamphlet form for the use of the members of this General Assembly.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION

In relation to the claim of Jacob Harper.

Resolved, by the General Assembly of the State of Ohio, That Jacob Harper be paid sixty two dollars, expense incident to serving speaker's writs in the Lloyd case, during the session of 1839–'40, and that the same be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION.

In relation to the claim of Ephraim Cutler.

Resolved, by the General Assembly of the State of Ohio, That Ephraim Cutler be paid two hundred dollars remuneration, in full for services rendered, and expenses paid, as commissioner on schools and school lands, in the year 1822, and that this payment be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION

In relation to certain Claims.

Resolved, by the General Assembly of the State of Ohio, That Thomas Kennedy be paid sixteen dollars and fifty cents, amount paid by him to R. Ellis and company, Christian Betz, Buttles and Runyon, and Andrew Sites, for sundry articles furnished, and labor performed, for the repair of the State House; that sixty one dollars be paid Christian Betz; that eight dollars twenty five cents be paid Jacob Boswell; that S. D. Preston be paid eight dollars; that Conrad Heyl be paid five dollars fifty cents; that Peter Marx be paid six dollars thirty seven and one half cents; that Conrad Heyl be paid twenty six dollars; that Hardy be paid nineteen dollars thirty seven and one half cents; that Buttles and Runyon be paid one dollar and fifty cents, and that Andrew Sites be paid one dollar ninety three cents; and that the above allowance be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 7, 1843.

RESOLUTION

Requiring the Board of Public Works to re-estimate certain Water Power.

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be and they are hereby required, on the application of Samuel Dickey, George L. Denash, Michael N. Riarson, and Michael Gephart, to re-estimate the amount of water power leased by the state to the above named persons on the Miami canal, in the county of Butler, whether they be the original lessees or the assignees of the original lessees of such water power, and make such change in the provisions of either or all of said leases as they may consider just and equitable, in consequence of a decrease or increase in the amount of water originally intended to be leased.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

RESOLUTION

Appointing Samuel Parsons a Director of the Ohio Lunatic Asylum.

Resolved, by the General Assembly of the State of Ohio, That Samuel Parsons be and he is hereby appointed a director of the Ohio Lunatic Asylum, for the term of five years from and after the thirteenth day of March next.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

RESOLUTION

Authorizing the City Council of the City of Columbus to extend the Engine House on the Public Square.

Resolved, by the General Assembly of the State of Ohio, That the city council of Columbus is hereby authorized to extend their Engine House on the public square, so as not to occupy more than fifteen feet in width in addition to that now occupied by said Engine House.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

RESOLUTION

Relative to certain Claims.

Resolved, by the General Assembly of the State of Ohio, That S. B. Stanton, & Co., be paid one dollar and nine cents, in full of their account rendered February 22, 1843; that A. Hardy be paid six dollars twenty five cents, in full of his account running from January 31, to February 11, 1843; and that the payment of these accounts be provided for in the general appropriation bill.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

RESOLUTION

Relative to the claim of Jacob Boswell.

Resolved, by the General Assembly of the State of Ohio, That Jacob Boswell be paid thirty seven dollars sixty two cents, in full of his account for articles furnished, and labor performed, for the use of the State House, from December 7, 1842, to February 13, 1843, and that this payment be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

RESOLUTION

In relation to the claim of Abner Enoch, of Butler County.

Whereas, by special act of the General Assembly of Ohio, passed March fifth, one thousand eight hundred and thirty nine, Abner Enoch, of Butler county, was authorized to prosecute his suit against the said state of Ohio, by filing his bill in chancery, in the court of common pleas of Butler county, aforesaid, for compensation under his contract, bearing date the second day of June, 1826, with the canal commissioners of the state of Ohio, for the construction of a canal dam across the Great Miami river, and other works therein specified, and for materials furnished, and for labor done, &c.; and, whereas, said suit has been prosecuted to final judgment, and a decree rendered in favor of said Abner Enoch, for the sum of three thousand five hundred and fifty dollars damage, and one hundred and seventy five dollars and fifty five cents costs, no part of which has yet been paid; therefore,

Resolved, by the General Assembly of the State of Ohio, That the commissioners of the canal fund, be and they are hereby required to pay to the said Abner Enoch, upon presentation of a certified copy of said decree, the aforesaid sum of three thousand five hundred and fifty dollars, with such interest thereon as he may be entitled to by law, together with the costs of suit, taxed at one hundred and sevnty five dollars and fifty five cents out of any moneys belonging to the canal fund not otherwise appropriated.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

RESOLUTION

Requesting the Legislature of the State of Connecticut, to deliver to the Recorder of Deeds for Trumbull county, the original papers of the Connecticut Land Company.

Resolved, by the General Assembly of the State of Ohio, That the legislature of the state of Connecticut, be requested to deliver to the recorder of deeds of Trumbull county, or to his authorized agent, all the original papers, or certified copies thereof, of the Connecticut land company, consisting of the stock books, records of deeds, and all other papers in anywise connected with the business of that company, and which have been in obedience to a resolution of that legislature, deposited by the legal representatives of Ephraim Root, formerly clerk of the company in the office of the Secretary of State, of Connecticut, that they may be preserved among the records of deeds of said county of Trumbull.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

RESOLUTION

In relation to the claim of Thomas B. Anderson.

Resolved, by the General Assembly of the State of Ohio, That the treasurer of Hamilton county be and he is hereby authorized and required to refund to Thomas B. Anderson the sum of one hundred and fifty dollars and eighty three cents, out of the auction fund of said county, in full of all claims of said Anderson, agreeably to his memorial; and that the treasurer of Hamilton county be and he is hereby directed to pay to Gideon M. Ayres the sum of two hundred dollars out of any moneys in the treasury of said county belonging to the auction fund.

JOHN CHANEY,
Speaker of the House of Representatives.
WILLIAM C. WALTON,
Speaker of the Senate, pro tem.

March 10, 1843.

RESOLUTION

Directing the Board of Public Works to send one of their number to Indiana, to regulate the rate of toll on the Wabash and Erie Canal.

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works elect one of their number whose duty it shall be, immediately on the adjournment of this General Assembly, to proceed to the State of

Indiana, and, with the proper authorities of that state, to regulate the rate of tolls on the Wabash and Erie Canal, in both the states of Ohio and Indiana, as to give shippers the same benefit of reduction on the tolls that they would have on the same length of canal in the state of Ohio, or such other arrangements as they, when convened, may deem to be for the interest of each state, in the reduction of tolls on certain articles.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

RESOLUTION

Relative to furnishing a box of Minerals to the Deaf and Dumb Asylum.

Resolved, by the General Assembly of the State of Ohio, That one set of minerals, now boxed up and lodged in a back building of the old court house, be taken therefrom, by the state librarian, and deposited with the superintendent of the Ohio Deaf and Dumb Asylum, for the use of said institution.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

RESOLUTION

Authorizing the Board of Public Works to appropriate certain stone or gravel, to the use of the National Road.

Resolved, by the General Assembly of the State of Ohio, That the board of public works be and they are hereby authorized to take from the old penitentiary lot, in the city of Columbus, any gravel or material that may be suitable for the repair of the national road; not, however, to excavate in such manner as to injure the property.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

RESOLUTION

In relation to certain Claims.

Resolved, by the General Assembly of the State of Ohio, That J. C. Broderick be paid ten dollars and six cents, in full of his account for services rendered, in repairing old chairs for state house, as per account rendered November seventeenth, one thousand eight hundred and forty two; that George Katz be paid two dollars and twenty five cents, in full of his account for sawing wood, by order of the Sergeant-at-arms; and that the payment of said claims be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

RESOLUTION

Relative to the claim of John Jourdan.

Resolved, by the General Assembly of the State of Ohio, That John Jourdan be paid sixteen dollars, in full of his account for sawing and splitting wood for the use of Senate Chamber and Senate committee rooms, and that this payment be provided for in the general appropriation act.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

RESOLUTION

Relative to the claim of Samuel Olden.

Resolved, by the General Assembly of the State of Ohio, That the auditor of state shall refund to Samuel Olden, the sum of eighty dollars out of the moneys paid into the state treasury on a sale of school section twenty nine, town twelve, range fifteen, in the county of Athens, and the same be deducted from the amount paid in on said section, and now standing on the books of the auditor's office to the credit of said township, and the said auditor shall draw an order on the treasurer for that amount.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 11, 1843.

PREAMBLE AND RESOLUTIONS

In relation to the Territory of Oregon.

Whereas, the subjects of Great Britain have taken possesson of a portion of the soil of this country within the Territory of Oregon, and are occupying it in contravention of the treaties between the two governments, which only authorize a reciprocal trade in furs, and such commerce as was natural to that region of country; and, whereas, the said British subjects are carrying on, within the territory of the United States, an import trade of wares and merchandize, as well as an export trade, in violation of the laws of this Union, for the regulation of commerce; therefore,

Resolved, by the Senate and House of Representatives, as the opinion of this General Assembly, that it is the duty of the General Government to take immediate possession of the Territory of Oregon, peaceably if she can, forcibly if she must.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

RESOLUTION

For the sale of Collated Statutes.

Resolved, by the General Assembly of the State of Ohio, That the Governor of this State be and he is hereby authorized to select and appoint a suitable agent or agents to make sale of five thousand copies of the late edition of the revised statutes, now on hand in the office of the secretary of state, at a price not less than two dollars and fifty cents, each copy, and that the Governor require such agent, or agents, to give bonds, with such security and on such conditions, and the sales to be made in such manner as he may deem necessary and proper, and the Governor shall be required to pay the proceeds of such sales into the state treasury.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

RESOLUTION

Relative to distributing the Laws, Journals and Public Documents.

Resolved, by the General Assembly of the State of Ohio, That the same number of laws of a general and local nature, and the same number of the journals and public documents of the present session, be distributed to each of the several counties, as were directed to be distributed by a resolution passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

RESLOUTION

Authorizing the distribution of one hundred additional copies of the Laws of a General Nature to Columbiana county.

Resolved, by the General Assembly of the State of Ohio, That one hundred copies of the laws of a general nature, of the present session of the General Assembly, be distributed to the county of Columbiana, in addition to the number authorized to be distributed by the resolution passed March seventh, one thousand eight hundred and forty two.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

RESOLUTION

Authorizing the Librarian to take charge of the State House during the recess.

Resolved, by the General Assembly of the State of Ohio, That the care of the State House be intrusted to the state librarian, during the recess of the legislature, and that he is required to fit up and prepare the same for the use of the General Assembly on the first Monday of December next, and that he be authorized to open the same, at his discretion, for literary, scientific, and musical purposes, and no other, to the citizens of this city as heretofore.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

RESOLUTION

Providing for making Indexes to Journals.

Resolved, by the General Assembly of the State of Ohio, That the chief clerks in the respective Houses of the General Assembly be authorized, after the adjournment, to complete the records of reports of their respective houses, required by an act passed January twenty one, one thousand eight hundred and thirty nine, and that the speakers of the respective houses certify their accounts for such number of days as may be necessary to complete said works, at a rate of compensation not exceeding three dollars per day while so engaged, and they shall also be paid the sum of one hundred dollars for preparing indexes to the journals and volume of public documents, as provided in the aforesaid act, to be paid on the warrant of the speakers of the respective branches of the General Assembly.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

RESOLUTION

Relative to the distribution of the volumes relating to the Census of 1840.

Resolved, by the General Assembly of the State of Ohio, That the volumes relating to the census of one thousand eight hundred and forty, shall be distributed, by the secretary of state, in the following manner: To the State Library, five copies, each, of the compendium, enumeration, statistics, and names of pensioners; to the Executive office, the offices of State Auditor, State Treasurer, Secretary of State, Board of Public Works, Canal Fund Commissioners, Quartermaster General, and Paymaster General, one copy, each, of the compendium, enumeration, statistics, and names of pensioners; to each member of the present General Assembly, their clerks, and Sergeant-at-arms, one copy of the compendium, and one copy of the names of pensioners. He shall also furnish each college, university, and scientific and literary institution in the State, when called for at the office of the Secretary, by any such institution, one copy, each, of the compendium enumeration, statistics, and names of pensioners. He shall, also, distribute, with the laws and journals of the present session of the General Assembly, to the several counties of the state, as follows: To each County Auditor, for the use of the county, one copy, each, of the compendium, enumeration, statistics, and names of pensioners; and to the Clerk of the Court of Common Pleas, in each county, for the use of the several townships in said county, the number and description of volumes, as follows:

Counties.	Compendium of the enumeration and statistics.	Enumeration of the inhabitants of the United States.	Statistics of the United States.	Names of Pensioners.	Counties.	Compendium of the enumeration and statistics.	Enumeration of the inhabitants of the United States.	Statistics of the United States.	Names of Pensioners.
Adams	11			5	Licking		27	27	5
Allen	16			5	Logan	15			5
Ashtabula	28			5	Lorain	23			5
Athens	21			5	Lucas	20			5
Belmont	16			5	Madison		14	14	5
Brown	13			5	Marion	17			5
Butler	21			5	Medina	19			5
Carroll	15			5	Meigs	12			5
Champaign	15			5	Mercer	16			5
Clark	12			5	Miami	16			5
Clermont	13			5	Monroe	19			5
Clinton	11			5	Morgan	16			5
Columbiana	23			5	Montgomery	15			5
Coshocton	24			5	Muskingum		25	25	5
Crawford	16			5	Ottawa	10			5
Cuyahoga	18			5	Paulding	12			5
Darke	19			5	Perry	13			5
Delaware		23	23	5	Pickaway		15	15	5
Erie	10			5	Pike		10	10	5
Fayette	8			5	Portage	20			5
Franklin		18	18	5	Preble	12			5
Fairfield		15	15	5	Putnam	12			5
Gallia	16			5	Richland	26			5
Geauga	16			5	Ross		17	17	5
Greene	8			5	Sandusky	12			5
Guernsey	21			5	Scioto		14	14	5
Hamilton	15			5	Seneca	15			5
Hancock	20			5	Shelby	15			5
Hardin	14			5	Stark	17			5
Harrison	15			5	Summit	16			5
Henry	10			5	Trumbull	35			5
Highland	13			5	Tuscarawas	20			5
Hocking	12			5	Union	15			5
Holmes	14			5	Vanwert	12			5
Huron	20			5	Warren	9			5
Jackson	14			5	Washington	23			5
Jefferson	14			5	Wayne	20			5
Knox		26	26	5	Williams	17			5
Lake	8			5	Wood	18			5
Lawrence	12			5		1085	204	204	395

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

RESOLUTION

Relative to the Lake Harbors.

Resolved, by the General Assembly of the State of Ohio, That our Senators in congress be instructed, and our Representatives be requested, to use their utmost exertions to procure appropriations for the improvement of the lake harbors, and to extend such other protection to the commerce of the lakes, as its present and increasing importance demands.

Resolved, That the governor be requested to communicate a copy of the foregoing resolution to each of our Senators and Representatives in congress, to the Secretary of War, and to each of the Governors of the states of New York, Pennsylvania, Indiana and Illinois.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

RESOLUTION

Furnishing the Board of Bank Commissioners with an office.

Resolved, by the General Assembly of the State of Ohio, That the use of the room, in which the geological specimens are kept, is hereby granted to the Board of Bank Commissioners for the purpose of an office, and that the charge and keeping thereof be committed to Bela Latham.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

RESOLUTION

For a day of Thanksgiving.

Resolved, by the General Assembly of the State of Ohio, That the Governor be and he is hereby requested to issue, within the present year, his proclamation to the citizens of this state, recommending to them the observance of a day of thanksgiving to Almighty God for his blessings to us as a people; which day shall be selected at the discretion of the Governor, and designated in his proclamation.

JOHN CHANEY,
Speaker of the House of Representatives.
JAMES J. FARAN,
Speaker of the Senate.

March 13, 1843.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, OHIO, *May* 6, 1843.

I hereby certify that the foregoing acts and resolutions are true copies of the original rolls on file in this department.

JOHN SLOANE,
Secretary of State.

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ANNUAL REPORT

OF THE

AUDITOR OF STATE,

TO THE

FORTY FIRST GENERAL ASSEMBLY.

COLUMBUS:
SAMUEL MEDARY, STATE PRINTER.
1842.

REPORT.

AUDITOR OF STATE'S OFFICE,
COLUMBUS, OHIO, *December* 6, 1842.

To the Honorable General Assembly:

GENTLEMEN—Agreeably to the provisions of the law imposing upon me that duty, I herewith submit to you the annual report of this department.

The several items which constitute the funds of the State, are arranged under their respective heads, with such remarks as have suggested themselves to my mind as worthy of your consideration.

GENERAL REVENUE.

The amount of revenue remaining in the treasury, Nov. 15, 1841,	$63,552 77 7
The amount of revenue collected and paid by county treasurers, for the year ending Nov. 15, 1842,	197,798 45 5
The amount paid through this office to same time,	7,476 72 0
The amount paid by lawyers and physicians,	4,496 98 6
The amount paid for license to pedlers and traveling merchants,	2,983 76 1
The amount of arrears of taxes,	8,910 65 2
The amount arising from sales of lands and lots forfeited to the State,	2,247 49 9
The amount paid by foreign insurance companies,	684 97 0
The amount of an error in duplicate,	3 71 6
The amount arising from the redemption at the State treasury of forfeited lands and town lots,	438 86 2
The amount arising from sales of escheated estates,	627 00 0
The amount paid by Richard Stadden, Warden of the Ohio Penitentiary, arising from labor of convicts,	3,000 00 0
The amount overdrawn and repaid by G. Foos,	3 00 0
Total,	$292,224 39 8

GENERAL DISBURSEMENTS.

By bills redeemed at treasury from 15th Nov., 1841, to 15th Nov. 1842,	$202,083 69 0
By transfer to Wabash and Erie and Miami Extension Canal funds,	942 18 0
By transfers to State Common School fund,	23,404 19 4
By transfer to Canal fund,	1,433 07 6
Total,	$227,863 14 0
Balance remaining in treasury, Nov. 15, 1842,	64,361 25 8

UNITED STATES ROAD FUND.

The balance in treasury on 15th Nov., 1841,	60 29 0
The amount paid in during the year ending Nov. 15, 1842,	44,656 18 0
Total,	$44,716 47 0
By amount paid to Resident Engineer on said road during the year ending Nov. 15, 1842	44,656 18 0
Balance remaining in treasury, Nov. 15, 1842,	$60 29 0

LITERARY FUND.

The balance of said fund in treasury, Nov. 15, 1841,	$5,529 42 4
The amount paid in during the year ending Nov. 15, 1842,	3,687 88 8
Total,	$9,217 31 2
By amount paid out during the year ending Nov. 15, 1842,	9,217 31 2

COMMERCIAL HOSPITAL AND LUNATIC ASYLUM AT CINCINNATI.

The amount paid into State treasury by the treasurers of Highland, Brown, Clinton and Cuyahoga counties, for the year ending Nov. 15, 1842,	$890 70 0
By amount paid treasurer of Hamilton county, for the use of said institution,	890 70 0

OHIO PENITENTIARY.

The amount paid out for costs of prosecution and transportation and salaries of directors,	$13,642 84 0
By amount paid into treasury by Warden, arising from labor of convicts,	3,000 00 0
	$10,642 84 0

ITEMS OF EXPENDITURE.

State officers,	$7,003 76 0
Judges of Courts and reporter for Court in Bank,	25,437 58 0
Brigade Inspectors, Adjutant and Quarter Master Generals,	2,694 73 0
Bounty on silk,	2,699 61 0
Wolf scalps,	1,188 50 0
State Printer,	18,037 78 0
Ohio Legislature,	46,565 06 0
Stationery for State,	10,115 83 0
Courts martial,	438 17 0
Public arms,	2.089 88 0
Laws and Journals,	1,333 10 0
Contingent fund for Governor,	3,399 73 0
Contingent fund for Auditor,	5,550 00 0
Contingent fund for Secretary,	1,274 87 0
Double entries,	289 72 0
Deaf and Dumb Asylum,	4,500 00 0
Ohio State Library,	426 89 0
Ohio Penitentiary,	13,642 84 0
Lunatic Asylum,	17,750 00 0
Institution for the Blind,	9,805 89 0
Board of Public Works,	4,857 00 0
Bank Commissioners,	2,337 59 0
Treasurers' mileage,	1,256 64 0
Revised laws,	4,763 95 0
Wood,	329 37 0
Presidential election,	22 28 0
Special election,	164 30 0
Repairs of State Library,	24 30 0
Repairs of public offices,	3 75 0
Postage of Ohio Legislature,	2,719 89 0
Prosecutions for the State,	620 72 0
Canal Fund Commissioners,	7.275 00 0
Apportionment of taxes paid counties,	3,281 92 0
W. Domigan,	100 00 0
John Walton,	11 00 0

E. N. Slocum,	$30 00 0
Conrad Heyl,	22 75 0
S. B. Stanton & Co.	165 64 0
Matthias Martin,	3 00 0
J. Ridgway & Co.	7 68 0
J. Boswell,	50 00 0
A. Hardy,	39 50 0
McCoy, Work & McCoy,	36 35 0
W. Long, treasurer Franklin county,	150 00 0
Do. do. do.	50 00 0
E. Case,	17 44 0
Z. Mills,	48 81 0
Gills & McCune,	5 00 0
E. Ayres & Co.	15 01 0
I. N. Whiting & Huntington,	6 75 0
Platt & Co.	4 00 0
A. Backus,	13 00 0
Total,	$202,676 58 0

UNEXPENDED BALANCES.

State officers,	596 24 0
Judges of Courts, and Reporter for Court in Bank,	7,173 72 0
Brigade Inspectors, Adjutant and Quartermaster Generals,	2,001 18 0
Appropriation for witnesses and clerks,	8 25 0
Wolf scalps,	151 00 0
State Printer,	2,878 42 0
Ohio Legislature,	4,162 48 5
Stationery for State,	18,200 84 0
Courts martial,	700 17 0
Public arms,	428 42 0
Contingent fund for Governor,	2,937 88 3
Contingent fund for Auditor,	1,585 14 0
Contingent fund for Secretary,	853 76 0
Contingent fund for Treasurer,	1,846 46 0
Contingent fund for Superintendent of Common Schools,	25 24 0
Double entries,	737 23 0
Ohio State Library,	279 96 0
Board of Public Works,	2,436 30 0
Bank Commissioners,	1,917 92 0
New State House,	14 78 0
Treasurers' mileage,	1,290 22 0
Revised Laws,	630 17 0
Wood,	590 13 0

Presidential election,	$959 41 0
Repairs of State Library,	66 68 0
Prosecutions for the State,	872 28 0
Total,	$53,344 28 6

APPROPRIATIONS OVERDRAWN.

Laws and Journals,	157 01 5
Repairs of public offices,	3 75 0
Bounty on silk,	218 01 0
Postage of Ohio Legislature,	219 89 0
Total,	$598 66 5

SCHOOL FUND.

Virginia Military School.

To amount of said fund loaned to the Fund Commissioners, prior to the 15th Nov., 1841	$131,324 76 9
The amount paid in by the Register, the year ending Nov. 15, 1842	833 98 5
Total	132,158 75 4

United States Military.

The amount of said fund loaned to the Fund Commissioners, prior to the 15th Nov., 1841	$118,835 85 9
The amount paid in by the Registers and Treasurers, the year ending Nov. 15, 1842	58 10 5
Total	118,893 96 4

Common School.

The amount arising from the sale of salt lands, and loaned to the Fund Commissioners, prior to the 15th Nov., 1841	$30,870 48 8
The amount of interest accruing on said fund, prior to the 1st June, 1835, and funded to the principal	7,112 17 4

The amount paid in by the agent of said lands, for the year ending Nov. 15, 1842	$928 73 0
Total	38,911 39 2

Connecticut Western Reserve.

The amount of said fund loaned to the Fund Commissioners, prior to the 15th Nov., 1841	$143 635 28 9
The amount of interest funded on the 1st Jan'y, 1835	15,023 71 9
Total	158,659 00 8

School Section 16.

The amount of said fund loaned to the Fund Commissioners, prior to the 15th Nov., 1841	$886,016 49 5
The amount paid in by county treasurers, the year ending Nov. 15, 1842	32,583 99 1½
Total	918,600 48 6½

Section No. 29.

The amount of said fund loaned to the Fund Commissioners, prior to the 15th Nov., 1841	$11,872 69 9
The amount paid in by county treasurers, the year ending Nov. 15, 1842	2,590 92 1
Total	14,463 62 0

Ohio University.

The amount of said fund loaned to the Fund Commissioners, prior to the 15th Nov., 1841	$1,897 39 0

SCHOOL FUNDS SUBJECT TO DISTRIBUTION.

Virginia Military School.

The balance of said fund in the treasury, Nov. 15, 1841	$4,051 94 0

The amount of rents paid in by the Register, the year ending Nov. 15, 1842	3,978 29 0
The amount of interest accruing on loans, in the hands of the Trust Fund Commissioners, up to January 1, 1842	7,857 25 7
Total	15,887 48 7
Deduct the amount paid out, the year ending Nov. 15th, 1842	11,909 19 7
Balance remaining in the Treasury, Nov. 15, 1842	3,978 29 0

United States Military School.

The amount of interest accruing on said fund, in the hands of the Fund Commissioners, up to January 1st, 1842	$7,137 57 8
Deduct amount paid out, the year ending Nov. 15th, 1842	7,137 57 8

Connecticut Western Reserve School.

The amount of interest accruing on said fund, in the hands of the Fund Commissioners, up to January 1st, 1842	$9,519 54 0
Deduct amount paid out, the year ending Nov. 15th, 1842	9,519 54 0

School Section 16.

The amount of interest accruing on said fund, in the hands of the Fund Commissioners, up to January 1st, 1842	$53,249 32 8
Deduct amount paid out, the year ending Nov. 15th, 1842	53,249 32 8

Section No. 29.

The amount of interest on said fund, in the hands of the Fund Commissioners, up to January 1, 1842	$707 77 1
Deduct the amount paid out, the year ending Nov. 15, 1842	707 77 1

Ohio University.

The amount of interest accruing on said fund, in the hands of the Fund Commissioners, up to January 1st, 1842	$170 76 0
Deduct amount paid out, the year ending Nov. 15th, 1842	170 76 0

State Common School Fund.

The amount of said fund remaining in the treasury, Nov. 15, 1841	$208 43 4
The amount of interest accruing on the surplus revenue deposited with this State, for the year ending Nov. 15, 1842, and applicable to State Common School Fund	97,932 79 8
The amount of interest on moneys arising from the sale of salt lands, the year ending Nov. 15, 1842,	2,276 93 4
The amount of tax paid by banks, insurance and bridge companies, the year ending Nov. 15, 1842,	17,428 28 0
The amount of grand levy paid into the State Treasury, by sundry counties, during the same period	58,751 36 0
The amount transferred from general revenue, being State Common School Fund's proportion of taxes paid through the State Treasury, the year ending Nov. 15, 1842	260 56 0
The amount transferred from general revenue to make up the deficit in State Common School Fund,	23,143 63 4
Total	$200,000 00 0
Deduct the amount apportioned among the several counties, the year ending Nov. 15, 1842	200,000 00 0

Apportionment of State Common School Fund.

The amount apportioned among the several counties, the year ending Nov. 15, 1842	$200,000 00 0
Deduct the amount paid sundry counties, the year ending Nov. 15, 1842	196,245 53 2
Amount in the treasury, Nov. 15, 1842, and due Lucas and Huron counties	3,754 46 8

SURPLUS REVENUE.

Balance of said fund ramaining in the State treasury, Nov. 15, 1841	$21,866 00 0

Surplus Revenue Interest Fund.

The amount of interest accruing at 6 per cent. on surplus revenue, deposited with sundry counties, and loaned to Fund Commissioners		$1,886 21 6
The amount of interest accruing at 1 per cent. on excess of surplus revenue, held by sundry counties, under the reapportionment of 1840, and by them paid into the State treasury		220 39 1
		$2,106 60 7
Deduct amount paid sundry counties as interest on surplus revenue deposited with said counties, and loaned to Fund Commissioners	$1,886 21 6	
Amount paid sundry counties as 1 per cent. interest on surplus revenue, due said counties under the reapportionment of 1840	153 48 0	
		2,039 69 6
Balance remaining in treasury, Nov. 15, 1842		66 91 1

Three Per Cent. Fund.

Balance of said fund remaining in the State treasury, Nov. 15, 1841	$195 64 2

RECAPITULATION.

Balance of general revenue in treasury, Nov. 15, 1841,	$64,361 25 8
Balance of United States road fund	60 29 0
" V. M. school fund, reducible	3,978 29 0
" surplus revenue fund	66 91 1
" three per cent. fund	195 64 2
Aggregate amount in treasury, Nov. 15, 1842	$68,662 39 1

The foregoing statements will exhibit to you the financial transactions of the year, together with the balance of revenue remaining in the treasury on the 15th of November, amounting to sixty four thousand three hundred sixty one dollars twenty five cents and eight mills. Of this balance, about twenty five thousand dollars is in depreciated funds, in the form of certificates of deposit in, and notes of, the banks of Urbana, Cleveland, Granville and Hamilton. In addition to this amount, we had on hand the sum of seven thousand two hundred and

seventy five dollars in the paper of the Commercial Bank of Lake Erie. A proposition having been made to the Fund Commissioners, by some of the holders of checks on the Wabash and Erie canal, to receive the paper of that bank at par, in payment of the indebtedness of the State,—I took from the commissioners a certificate of loan, in the usual form, and loaned the amount in the treasury, from the general revenue, to the Wabash and Erie canal fund The paper has thus been used at par in discharge of the State liabilities. The transaction now stands in the form of a loan; upon which the canal fund will be bound to pay interest to the general revenue. In that position it can continue, or, you can make the transfer absolute, as to you may seem best. I see no good reason why the latter course, which will avoid embarrassment in the funds, may not be adopted. Deducting the depreciated funds, above referred to, from the amount in the treasury, leaves the balance of available funds thirty nine thousand three hundred sixty one dollars twenty five cents and eight mills.

The amount of bills redeemed at the treasury during the year, it will be seen, is	$202,083 69
Deduct loan to Wabash and Erie canal	7,275 00
Balance	194,808 69
The amount redeemed during the year 1841, was	191,701 69
Excess in 1842	3.107 00

The purposes to which this excess has been applied, will be found upon a comparison of the several items of expenditure of the current, with those of the past year.

The receipts from the Ohio Penitentiary during the year, amount to three thousand dollars—being eleven thousand dollars less than the last year, and falling below the amount paid for the prosecution and transportation of convicts, ten thousand six hundred forty two dollars and eighty four cents. It is but justice to the Warden to say, that on the 25th of November, ten days after the close of the fiscal year, he made a further payment of three thousand dollars, which must necessarily pass into the account of the current year.

The continued failure in the taxes on bank dividends, which are by law appropriated to the State Common School Fund, has rendered it necessary again to transfer the sum of twenty three thousand one hundred forty three dollars sixty three cents four mills, from the general revenue, to make good the distribution among the several counties. By the act of last winter this fund was reduced to one hundred and fifty thousand dollars. This amount the legitimate sources of the fund will undoubtedly meet, and perhaps afford a small surplus that may be appropriated to the extinguishment of the debt due the general revenue.

The account of the surplus revenue fund stands as in my report of last winter. It is entitled to the same explanation, which will be found on the 17th page of that document.

From the best information I have been able to obtain from the several counties, I am inclined to the belief that we shall experience an increased defalcation in the revenues of the current year, though not, perhaps, to the extent that has generally been supposed. Notwithstanding this, and the depreciated funds, the drain upon the revenue having been cut off by the reduction of the school fund, and the levy being the same as last year, the revenue will be amply sufficient for the wants of the government; and for the ensuing year, the levy of taxation for State purposes will bear a small reduction, but to what amount I am not at present able to say. In the financial report, required by law before the close of the session, this matter can be more accurately determined.

The treasurer of Lucas county has not yet closed his settlement for the year 1841. The sum due from him, with the exception of about three hundred and fifty dollars, is on deposit to his credit in the treasury.

The amount delinquent was tendered in depreciated and broken bank paper, which the treasurer claimed to have received when the banks were in good standing. As the settlement was not made for several weeks after the legal time had expired, the State treasurer and myself were apprehensive that the precedent might prove a dangerous one, and declined to receive the funds. In the course of a correspondence between the county treasurer and myself, during the summer, he offered to pay about two thirds of the sum in paper of the Chillicothe and Franklin Bank of Columbus, and the remainder in good funds. The fund commissioners having advised me that they could use these funds at par, I accepted the offer, and, the treasurer being in the city, handed him a written notification of that fact. He returned me for answer, that between the date of his offer and my acceptance, he had disposed of the paper referred to, and tendered in lieu the paper of the Urbana and Granville banks. This I declined accepting, and the matter stands in that way at the present time. From the difficulties as to the location of the county seat, no courts have been held in the county until late this fall.

As soon as this question is settled, I shall, unless otherwise directed by you, proceed to close up this matter in the legal mode.

I respectfully suggest to you, whether the present is not a propitious period for instituting a thorough revision of the whole financial policy and laws of the State. Prominent among the inducements to such a measure, is the absolute necessity of giving additional force and character to the laws for the collection of revenue. The forfeited list now embraces an amount of property so large, that the taxes accruing upon it exceed thirty thousand dollars per annum, and it is yearly increasing. Notwithstanding the heavy expense incurred under the act of last winter, in publishing these lists, and extending the time for redemption to the first of January, but comparatively a small amount has been redeemed. It is a moderate estimate, that one fourth of all the lands advertised this fall, will be returned as "not sold for want of bidders," and, consequently become forfeited to the State

There is no fear of a tax sale on the part of the owner, and no confidence on the part of the purchaser. The rule of construction on the part of the courts, invariably sets aside these sales; for, in the present confused state of our legal enactments, it is impossible they should all be observed by the several officers charged with the assessment and collection of taxes. Buyers at tax sales have come to know that they are purchasing litigation, and though they may eventually recover their original investment, they are liable to be saddled with an expense and cost of double the amount. The same difficulties will surround the sales of forfeited lands; and so well are these things now understood, that hundreds suffer their lands to become forfeited, as the best means of avoiding taxation. All these evils grow out of a want of certainty in the law, which must define the powers and duties of courts, as well as the rights of parties in the premises. The law at present declares that the county auditor's deed shall be *prima facie* evidence of title; yet the courts invariably go behind the deed, and require the purchaser to establish by competent testimony, that all the initiatory steps of assessment, levy, advertisement, sale, &c., have been taken within the strict letter of the law; and if any of these fail. the chain of title is broken, and the sale set aside, because the law was set aside before it.

In the early period of the State, when the inhabitants were laboring under all the inconveniences, and struggling with all the hardships consequent upon the first settlement of the country—when land titles were involved in something of intricacy, and when men were striving as well to acquire them, as to clear the soil and create an humble home—when there were no facilities of markets, and consequently but very small returns for the labor of the husbandman, there was the excuse of humanity, and perhaps of equity, for the policy adopted by the courts in disposing of these questions; but now, when these things have become changed—when titles are settled—when homes are secured and improved—when the State, upon her credit, has constructed vast public improvements, and opened up markets for the products of her soil—and when, for the protection of her credit and the completion of her improvements, she is compelled to rest in no inconsiderable degree upon the punctual payment of the taxes, which, with industry and care, may be readily realized, it would seem just and equitable that the law should be made to hold its most strict and perfect rule over all—correcting its errors, but turning not aside for murmurings of hardship or severity. It is a good, a worthy, and a correct maxim, that a State should not become the oppressor of her own people; yet it is never so much misapplied as when quoted in favor of the decisions of the courts, and the lenity of revenue laws. There are two classes of persons whose condition is to be considered in this matter: those who pay taxes, as well as those who do not. All partake alike of the protection and blessings of government; all participate alike in the benefits of the works of internal improvement; all reap the advantages of the policy which the State bases upon her revenues, yet by the delinquency of a portion, the whole burden

of the expense is thrown upon the remainder. The *humanity* of the law is a bounty to the negligence and disobedience of its precepts; and, that the negligent and disobedient may not be *oppressed*, it oppresses the good and punctual citizen with additional burdens for the support of the government. It has always seemed to me, that if there was any oppression in the premises, it has been of the great mass who punctually discharge their obligations to the State, rather than those who, by technical rules of legal construction, evade the payment and embarrass the prompt collection of the revenues.

An examination of the duplicates would dispel another error of the public mind. It is not the hardy and industrious owners of small farms whose possessions swell the delinquent list. The poorer class of property holders are the most punctual of tax payers. They are accustomed to look upon their possessions, acquired by honest toil, as their whole means of life; they feel the blessings of government, which protect them in the enjoyment of it, and grudge no labor, spare no means, to meet the requisitions which the state makes upon them. In the pursuit of a pure and honest calling, they look to the spirit of the law, and meet it not as their "oppressor," but as their safeguard and their shield. They have not studied how laws may be evaded, how revenues may be shunned,—nor how, by legal quibbles and technicalities, the power of the state may be defied. The great mass of delinquents are entirely another and a different class of property holders,—and who, though they should not, from an unworthy and wicked prejudice, be more "*oppressed*," ought not, on the other hand, to be suffered to avail themselves of the lenity, or evade the provisions and penalties of the revenue laws.

Another consideration in favor of such a revision of our system, is the difficulty, under the present laws, of listing the various kinds of property designated for taxation, and the great inequality that does and must exist in the assessment of revenues upon them. The modes of listing and returning property are almost as various as the officers themselves; and, consequently, there is a very marked disproportion in the character of the public burdens. For instance, the county of Hamilton, with all the vast resources and wealth of the greatest city of the west, returned last year, under the head of "merchant's capital, and money at interest," $1,364,196—whilst the county of Ross, returned the sum of $403,799—being very nearly one third the amount returned by the county of Hamilton. No one acquainted with the wealth and business of the two counties, will hazard the assertion, that this is any thing near an adequate apportionment. The probabilities are, that in the one a strict and rigid rule has been observed, whilst in the other a very considerable amount has been suffered to escape.

It has been argued that these evils in the assessment of personal property, would be remedied, to a considerable extent, by the change from county to township assessors. To some extent this has been the case. The amount of personal property returned by the several counties (with the exception of the county of Carroll,) during the

present year, is.....	$27,751,507
The amount returned by the same counties, in the year 1841, was.....	27,249,743
Excess in 1842.....	501,765

The lapse of duty, or the misunderstanding of the law, on the part of officers, in this particular, is not unfrequently justified upon the ground of the inequality which exists in the taxation of lands, town, and chattel property. Though there is too much of truth in this argument, it should rather be used to promote a reform in the laws, than to justify their infraction. An examination of the tabular statement will show you that the personal property pays a little less than *one seventh* of the whole taxation of the state,—the town property pays but a little less than *one sixth*—and the two nearly one third of the whole tax. This simple statement is sufficient to demonstrate the inequality of the appraisement. The result is produced by the valuation of all lands, without reference to improvements. If the argument be good that the industry which is applied to improvement of the soil should not be taxed, why should it not be applied to the property of our towns and cities? What justice is there in this discrimination between the industry and enterprize of one class and that of another? Surely there is none, and it can only be based upon a prejudice unworthy of an enlightened community. But the injustice of the present appraisement does not rest altogether between the farming and town interests. It falls with a heavy hand upon the owners of small tracts of land, who, not unfrequently find the tax upon their stock, which they are compelled to keep for the cultivation of the soil, greater than that upon the land itself. The nonresident feels nothing of this:—and the large landholder finds the discrimination in his favor, between the land and chattel tax so great as to leave him but little reason to complain of the burden.

In any and all lights in which the subject can be viewed, it strikes me that no system will work perfect equality and justice to all parties but the appraisement of all taxable property, at its real cash value. But one objection has been urged to it, and that is scarcely entitled to consideration. It is the fact, that such a valuation will swell the aggregate of the duplicate to a very large amount. This is answered in a single word,—the larger the aggregate of taxable property, the smaller will be the rate of taxation, necessary to produce a given amount of revenue. If five mills upon a valuation of one hundred and thirty millions, will yield sufficient to support the government, a levy of one mill will do the same upon an aggregate of six hundred and fifty millions. If this be no objection to the change—the inducements, on the other hand, are, the enhancement of the credit and character of the state, and what is, if possible, of greater moment, the dissemination of justice and equality among those who are compelled to bear the burdens of government. The whole subject is most respectfully submitted to your calm and serious consideration.

DEPARTMENT OF PUBLIC WORKS.

General Revenue.

Amount paid into the State Treasury by Fund Commissioners, as proceeds of loans, and appropriated to the various public works of the State		$440,430 42
Amount paid from the State Treasury to disbursing agent, upon the drafts of Fund Commissioners		440,430 42

Muskingum Improvement.

Balance in hands of disbursing agent, Nov. 15, 1841		$9,802 61
Amount paid disbursing agent, during the year ending November 15, 1842, viz:		
Contracts	$15,074 78	
Unrestricted checks	1,000 00	
Awards of damages	100 00	
		16,174 78
Total		$25,977 39
Amount disbursed by said agent during the year		26,199 70
Amount of over payment		222 31

Miami Extension Canal.

Amount paid disbursing agent during the year ending November 15, 1842, viz:		
Contracts	$247,092 10	
Awards of damages	1,463 00	
Unrestricted checks	96 95	
		$248.652 05
Amount disbursed by said agent during the year		263,339 57
Amount of over payment		$14,687 52

Wabash and Erie Canal.

Amount paid disbursing agent during the year ending November 15, 1842, viz:		
Contracts	$101,238 00	
Unrestricted checks	424 19	
		$101,662 19 0
Amount disbursed by said agent during the year		97,937 04 9
Balance in hands of agent		$3,725 14 1

Western Reserve and Maumee Road.

Balance in hands of disbursing agent, November 15, 1841		$8,923 84
Amount paid disbursing agent during the year ending November 15, 1842, viz:		
Contracts	$300 00	
		300 00
Total		$9,223 84
Amount disbursed by said agent during the year		11,363 80
Amount of over payment		$2,139 96

Ohio Canal.

Amount paid disbursing agent during the year ending November 15, 1842, viz:		
Contracts	$136,181 50	
Unrestricted checks	2,000 00	
Awards of damages	137 50	
		$138,319 00
Amount disbursed by said agent during the year		125,445 34
Balance in hands of agent		$12,873 66

Walhonding Canal.

Balance in hands of disbursing agent, November 15, 1841		$19,091 67
Amount paid disbursing agent during the year ending November 15, 1842, viz:		
Contracts	$185 48	
		185 48
Total		$19,277 15
Amount disbursed by said agent during the year		13,297 83
Balance in hands of agent		$5,979 32

Miami Canal.

Balance in hands of disbursing agent, November 15, 1841		$6,666 25
Amount paid disbursing agent during the year ending November 15, 1842, viz:		
Contracts	$15,640 83	
Unrestricted checks	1,500 00	
		17,140 83
Total		$23,807 08
Amount disbursed by said agent during the year		21,600 69
Balance in hands of agent		$2,206 39

Hocking Canal.

Amount paid disbursing agent during the year ending November 15, 1842, viz:		
Contracts	$12,209 89	
Unrestricted checks	1,000 00	
Awards of damages	600 00	
		$13,809 89
Amount disbursed by said agent during the year		16,115 07
Amount of over payment		$2,305 18

Warren County Canal.

Balance in hands of disbursing agent, November 15, 1841	$2,523 31
Amount disbursed by said agent during the year	570 00
Balance in hands of agent	$1,953 31

Urbana, Troy and Greenville Road.

Balance in hands of disbursing agent, November 15, 1841	$257 50
Amount disbursed by said agent during the year	237 14
Balance in hands of agent	$20 36

Turnpike Companies.

Balance in hands of disbursing agent, November 15, 1841	$9,291 39
Amount disbursed by said agent during the year	9,291 39

Milan Canal Company.

Amount paid disbursing agent during the year ending November 15, 1842	$700 00
Amount disbursed by said agent during the year	700 00

Franklin Bank of Columbus.

Amount paid disbursing agent, during the year ending November 15, 1842	$28,515 10
Amount disbursed by said agent during the year	20,885 10
Balance in hands of agent	$7,630 00

Bank of Chillicothe.

Amount paid disbursing agent during the year ending November 15, 1842	$42,922 27
Amount disbursed by said agent during the year	42.922 27

Expense Account.

Balance in hands of disbursing agent November 15, 1841	$1,593 13 5
Amount paid disbursing agent during the year end- November 15, 1842	5,000 00 0
Total	$6,593 13 5
Amount disbursed by said agent during the year	4,697 08 0
Balance in hands of agent	$1,896 05 5

Interest Account.

Balance in hands of fund commissioners, November 15, 1841	$880,311 85 5
Amount paid fund commissioners, for interest, during the year ending November 15, 1842	668,349 78 9
Total amount in hands of fund commissioners	1,548,661 64 4

RECAPITULATION.

Balance in hands of disbursing agent, viz:		
Wabash and Erie Canal	$3,725 14 1	
Ohio Canal	12,873 66 0	
Walhonding Canal	5,979 32 0	
Miami Canal	2,206 39 0	
Warren County Canal	1,953 31 0	
Expense account	1,896 05 5	
Franklin Bank of Columbus	7,630 00 0	
Urbana, Troy and Greenville Road	20 36 0	
		$36,284 23 6

Over Payments.

Muskingum Improvement	$222 31	
Miami Extension Canal	14,687 52	
Western Reserve and Maumee Road	2,139 96	
Hocking Canal	2,305 18	
		19,354 97 0
Balance in hands of disbursing agent		$16,929 26 6

Exchange Warrants issued to Turnpike Companies.

Portsmouth and Columbus Turnpike Company:		
Original draft, dated Oct. 19, 1841		$4,556 00
Issued 6 exchange warrants of 500 dollars each	$3,000 00	
Issued 1 exchange warrant of 700 dollars	700 00	
Issued 1 exchange warrant of 856 dollars	856 00	
		4,556 00
Same Company:		
Original draft, dated Dec. 18, 1841		$3,856 56
Issued 6 exchange warrants of 500 dollars each	$3,000 00	
Issued 1 exchange warrant of 856 dollars 56 cents	856 56	
		3,856 56
Zanesville and Maysville Turnpike Company:		
Original draft, dated Oct. 14, 1841		$15,446 16
Issued 22 exchange warrants of 500 dollars each	$11,000 00	
Issued 8 exchange warrants of 555 dollars 77 cents, each	4,446 16	
		15,446 16
Dayton Western Turnpike Company:		
Original draft, dated Dec. 11, 1841		$12,046 89
Issued 23 exchange warrants of 500 dollars each	$11,500 00	
Issued 1 exchange warrant of 546 dollars 89 cents	546 89	
		12,046 89

CANAL FUND.

The amount arising from collections of canal revenue, for the year ending Nov. 15, 1842	$321,961 93 6
The amount arising from tolls, fines and water rents, on the Ohio canal, and paid into the state treasury, from Nov. 1, 1841 to Nov. 15, 1842	397,024 04 0
The amount arising from tolls on the Miami canal, and paid into the state treasury, from Nov. 1, 1841 to Nov. 15, 1842	58,150 23 0

The amount arising from tolls on the Miami Extension canal, and paid into the state treasury, from Nov. 1, 1841 to Nov. 15, 1842		4,043 03 0
The amount arising from tolls on the Hocking canal, and paid into the state treasury, from Nov. 1, 1841 to Nov. 15, 1842		3,813 66 0
The amount arising from tolls on the Wabash & Erie canal, and paid into the state treasury, from Nov. 1, 1841 to Nov. 15, 1842		899 04 0
The amount arising from tolls on the Walhonding canal, and paid into the state treasury, from Nov. 1, 1841 to Nov. 15, 1842		547 55 0
The amount arising from tolls on the Muskingum Improvement, and paid into the state treasury, from Nov. 1, 1841 to Nov. 15, 1842		15,726 36 0
The amount arising from turnpike and canal dividends, for the year ending Nov. 15, 1842		27,130 62 0
The amount arising from the sale of school section sixteen, and transferred to canal fund		32,583 99 1
The amount arising from the sale of Virginia military school lands, and transferred to canal fund		833 98 5
The amount arising from the sale of United States military school lands, and transferred to canal fund		58 10 5
The amount arising from the sale of salt lands, and transferred to canal fund		928 73)
The amount arising from the sale of ministerial section number twenty-nine, and transferred to canal fund		2,590 92 1
The amount arising from the sale of Ohio lands, during the year ending Nov. 15, 1842		272 50 0
The amount of general revenue transferred to canal fund		1,433 07 6
The amount of literary fund transferred to canal fund		4,000 00 0
The amount arising from the sale of state lots		4 00 0
The amount received from Clapp & Ryerson, being for water rents on the Miami canal		125 00 0
The amount received from D. Clapp, being for water rents on the Miami canal		250 00 0
Total		$872,376 77 4
By amount paid fund commissioners on account of interest on the public debt	668,349 78 9	
By amount paid for superintendence, repairs, and awards of damages on the Ohio canal	138,319 00 0	
By amount paid for same on the Miami canal	17,140 83 0	
By amount of overdraft on the Miami Extension Canal, 1841	320 30 5	

By amount paid for superintendence, repairs, and awards of damages on the Miami Extension canal	$3,182 48 0	
By amount paid for same on the Hocking canal	3,109 89 0	
By amount paid for same on the Wabash & Erie canal	424 19 0	
By amount paid for same on the Muskingum Improvement	10,774 78 0	
By amount transferred to sinking fund	25,000 00 0	
By amount of protested draft for turnpike dividend	3,090 00 0	
By amount paid C. Spink, witness fees in case State vs. L. P. Buckley	26 00 0	
		869,737 26 4
Balance in treasury		2,639 51 0

Hocking Canal.

The amount received from tolls, from Nov. 1, 1841 to Nov. 15, 1842		$3,813 66
The amount paid for superintendence, &c	3,109 89	
The amount paid fund commissioners for interest account	562 32	
		3,672 21
Balance in the treasury		141 45

Muskingum Improvement.

The amount received from tolls, from Nov. 1, 1841 to Nov. 15. 1842		$15,726 36
The amount paid for superintendence, &c	10,774 78	
The amount paid fund commissioners for interest account	3,083 65	
		13,858 43
Balance		1,867 93

Miami Extension Canal.

The amount received from tolls, from Nov. 1, 1841 to Nov. 15, 1842		$4,043 03
The amount of overdraft, 1841	320 30 5	

The amount paid for superintendence, &c.,	$3,182 48 0	
The amount paid fund commissioners for interest account	457 69 5	
		3,960 48
Balance		82 55

Ohio Canal.

The amount received from tolls, fines and water rents, from Nov. 1, 1841 to Nov. 15, 1842		$397,024 04
The amount paid for superintendence, &c	138,319 00	
The amount paid fund commissioners for interest account	258,705 04	
		397,024 04

Miami Canal.

The amount received from tolls, fines and water rents, from Nov. 1, 1841 to Nov. 15, 1842		$58,525 23
The amount paid for superintendence, &c	17,140 83	
The amount paid fund commissioners for interest account	41,384 40	
		58,525 23

Wabash and Erie Canal.

The amount received from tolls, from Nov. 1, 1841 to Nov. 15, 1842		$899 04
The amount paid for superintendence, &c	424 19	
The amount paid fund commissioners for interest account	474 80	
		898 99
Balance		05

Walhonding Canal.

The amount received from tolls, from Nov. 1, 1841 to Nov. 15, 1842	$547 55

Sinking Fund.

The balance remaining in the treasury, Nov. 15, 1841	$25.000 00	
The amount transferred from revenue	25.000 00	
		50,000 00
The amount paid fund commissioners during the year		50,000 00

RECAPITULATION.

Balances in the treasury, Nov. 15, 1842, viz:		
Muskingum Improvement	$1,867 93	
Hocking canal	141 45	
Walhonding canal	547 55	
Miami Extension canal	82 55	
Wabash & Erie canal	05	
		2,639 53

Turnpike and Canal Dividends.

State's proportion of dividend declared by the Pennsylvania and Ohio canal company	$6,300 00	
Same, Dayton, Centreville & Lebanon turnpike company	1,555 15	
Same, Dayton & Springfield turnpike company	3,327 00	
Same, Ohio turnpike company	187 72	
Same, Cincinnati, Columbus & Wooster turnpike company	3,846 85	
Same, Colerain, Oxford & Brookville turnpike company	1,492 50	
Same, Hamilton, Rossville, Somerville and Eaton turnpike company	2,496 25	
Same, Cincinnati & Harrison turnpike company	2,581 50	
Same, Cincinnati, Lebanon & Springfield turnpike company	3,090 00	
Same, Dayton Western turnpike co.	1,323 63	
Same, Milford & Chillicothe turnpike company	930 02	
		27,130 62
By amount transferred to canal fund	24,040 62	
By amount of draft protested by the Cincinnati, Lebanon & Springfield turnpike company	3,090 00	
		27,130 62

Subscriptions and Payments to Turnpike Road and Canal Companies.

Name of Company.	Amt. subscribed.	Amount paid.	Amount due.
Pennsylvania and Ohio Canal Company	$450,000 00	$340,000 00	$110.000 00
Hamilton, Rossville, Somerville, Newcomb & Eaton Turnpike Company,	53,650 00	49,925 00	3.725 00
Cincinnati, Columbus and Wooster Turnpike Company	79,300 00	75,800 00	3.500 00
Milford and Chillicothe Turnpike Company	172,000 00	162,346 62	9.653 38
Cincinnati and Harrison Turnpike Company	86,050 00	86,050 00	.....
Cincinnati, Lebanon and Springfield Turnpike Company	178,650 00	164,880 38	13,769 62
Cincinnati and Hamilton Turnpike Company	42,000 00	40,222 95	1,777 05
Steubenville, Cadiz and Cambridge M'Adamized Road Company	66,300 00	39,341 70	26.958 30
Ohio Turnpike Company	55,000 00	47,697 75	7.302 25
Batavia Turnpike and Miami Bridge Company	30,250 00	28,561 50	1.688 50
Urbana, Troy and Greenville Turnpike Company	30,000 00	13,000 00	17,000 00
Dayton, Centreville and Lebanon Turnpike Company	50,950 00	49,557 37	1,392 63
Goshen, Wilmington and Columbus Turnpike Company	102,725 00	83,484 39	19,240 61
Dayton and Springfield Turnpike Company	62,900 00	49,212 26	13,687 74
Zanesville and Maysville Turnpike Company	292,650 00	276,215 97	16 634 03
Colerain, Oxford and Brookville Turnpike Company	94,300 00	57,396 89	36,903 11
Hamilton, Springfield and Carthage Turnpike Company	33,450 00	33,259 56	190 44
Cincinnati, Montgomery, Hopkinsville, Rochester and Clarksville Turnpike Company	52,400 00	45,768 15	6,631 85
Ripley and Hillsborough Turnpike Company	50,575 00	44,007 01	6,567 99
Hamilton, Rossville, Darrtown, Oxford and Fairhaven Turnpike Company	59,650 00	29,076 72	30,573 28

Subscriptions and Payments to Turnpike Road and Canal Companies.—Continued.

Name of Company.	Amt. subscribed.	Amount paid.	Amount due.
Marietta and Newport Turnpike and Bridge Company	$30,000 00	$14,724 97	$15,275 03
Great Miami Turnpike Company	53,650 00	51,692 31	1,957 69
Cincinnati and Whitewater Canal Company	150,000 00	37,500 00	112,500 00
Milan Canal Company	25,000 00	21,500 00	3,500 00
Jefferson, South Charleston and Xenia Turnpike Company	42,300 00	23,300 00	19,000 00
Circleville and Washington Turnpike Company	71,905 00	65,113 28	6,791 72
Dayton Western Turnpike Company	66,900 00	49,864 89	17,035 11
Portsmouth and Columbus Turnpike Company	85,510 00	43,747 58	41,762 42
Dayton and Covington Turnpike Company	33,625 00	31,480 09	2,144 91
Total	$2,601,890 00	$2,054,727 34	$547,162 66

The payments above specified, are based upon the drafts issued by this office. The amount of unpaid warrants is $74,069 18, which increases the amount actually due to $621,231 84.

A comparison with the revenues upon the public works, shows a very considerable reduction upon those of last year. There has been a decrease upon the

Ohio Canal		$25,452 24 2
Miami do		12,1 15 15 0
" Extension		253 18 5
Total		37,720 57 7

There has been an increase on the

Muskingum Improvement	$8,042 91	
Hocking Canal	1,695 37	
Walhonding do	547 55	
		10,285 83 0
Total decrease		$27,434 74 7

The additions to the public debt during the year, have exceeded, somewhat, one and a half millions of dollars. This will be given to you in detail, in the report upon State Liabilities. I have no information from the Fund Board, of the amount required to pay the annual interest. I presume, however, it is not far from $950,000 00

The public works, the school funds, and taxation, have yielded to this purpose, during the year, 668,349 79

Leaving a deficit of 281,650 21

It is apparent that the public revenues are not, and will not be sufficient for the payment of the interest, without the levy of an additional tax. That of the past year was 2¾ mills If the tolls and revenues of the present year are to be taken as the criterion, it will require at least two mills more, to make up the deficiency.

During the last month, a call was made upon me by the Fund Commissioners, to advance them two hundred thousand dollars of the revenue of the current year, for the payment of the January interest. This, for the reason that I had no legal right or authority, and no power over the revenues, until officially paid into the treasury, as well as for other considerations, I declined to do. I am equally anxious, with them, to preserve the faith and credit of the state; but, even to do this, I felt unwilling to transgress the limits of my official power and duty.

I am happy to report the fact, that not a single defalcation has occurred, during the year, in the canal department. The collectors have all discharged the duties devolved upon them by law, so far as they are connected with this office, in the most prompt and efficient manner. The accounts of the collectors at Toledo, Maumee City, and Defiance, on the Wabash and Erie canal, are unsettled; but the funds received by them have, by an arrangement of the Fund Commissioners, been absorbed by the checks of the resident engineer, for super-

intendence and repairs. The mere form of a settlement is all that is necessary to close them.

In the case of John S. Johnson, late collector at Massillon, but little progress has been made beyond the judgment. As I had reason to believe that property had been passed out of the hands of the defendant, and his securities, with a view to evade the collection of this claim, I caused two bills in chancery to be filed, upon which proceedings are still pending. In the mean time, I have been served with notices in bankruptcy, by the principal and one of the securities. I am not able to speak, at present, of the probabilities or possibilities of collecting any portion of this defalcation. The amount now exceeds ten thousand dollars.

In the case of Wilson Baker, late collector at Circleville, I issued a warrant to the sheriff of Pickaway county, under the act of last winter, requiring him to make the amount due. This was enjoined by a proceeding on the chancery side of the court of common pleas of that county; and, as strong doubts existed in the mind of my attorney, as to my ability to sustain the warrant, I instructed him to abandon it, and commence proceedings at law. At the judgment term, in October, it was found to be extremely doubtful whether the amount could be collected upon the bond; and, an arrangement was entered into, by which Mr. Baker, in conjunction with a responsible gentleman, gave a joint note, payable in ninety days, with a mortgage upon real estate, as collateral security. It is the understanding of all the parties, that this note is to be collected by due course of law. The claim is at present considered as secure, and will be collected as soon as practicable. The amount is near $3,000.

In the case of L. P. Buckley, late collector at Akron, a peculiar state of facts was presented to this department, to justify the defalcation. It was averred by Mr. Buckley, that he had sent the amount to the Wooster bank, where the state treasurer had instructed him to deposit; and that on the way, his messenger was attacked by highwaymen, and robbed of the whole sum. From an investigation, which I caused to be instituted at the time, I was strongly inclined to doubt the truth of this story. I therefore caused suit to be instituted on the bond, and the same state of case was set forth, by the principal defendant, in his plea. Although my legal adviser felt a perfect confidence that the plea would not be held sufficient, I yet thought it advisable to waive that as a primary question, and go to trial on the facts. I was prompted to this by two considerations: first, if the fact of a robbery could be proven, beyond a controversy, it would be unjust to require the collector, and his securities, to pay the amount. Secondly, if a judgment should be rendered for the state, upon the insufficiency of the defence, there would be an end to any judicial investigation of the facts, and the result would present at least a *prima facie* case of a claim for relief, at the hands of the General Assembly. A trial was accordingly had, in which the whole of the facts were most carefully and patiently investigated, and a judgment obtained for the amount of the defalcation, with interest and costs. An execu-

tion was ordered at the fall term, but the money has not yet been made. The judgment is good; the amount a little rising four thousand dollars.

By the act of March last, the collectors were required to make their deposits and returns to this department, weekly, instead of monthly. Two considerations induced to this change of policy in the law. The first, and, at that time, most important one was, that it would give to the Fund Commissioners, to be used in the payment of the July interest, at least one half of the tolls collected in the month of June. The other, that, by lessening the amount accumulating in the hands of the collectors, it would remove the inducements to using the funds, and thereby tend to prevent defalcations. There is no disposition now, as there never has been, to avoid any labor that may be thrown upon this department; and, though the change increases the labor of keeping the canal accounts fourfold, it is not for that reason considered objectionable. It is still a favorite policy of another department of the state; and for this, as well as the imputation which might possibly follow, I feel much delicacy in speaking upon the subject. Like all other changes in the revenue laws, it is entitled to be considered as an experiment; and as such, it is for you, when made acquainted with its results, to continue or abolish it, as your wisdom may direct.

The change was made from the old to the new system on the first day of April, and has been continued up to the close of navigation. The additional expense incurred under it, during that time, for extra services and expenditures in making deposits, for postage, &c., is not far from one thousand dollars; of which, at least, one hundred and sixty dollars has gone to swell my own postage account, payable from my contingent fund. Are the advantages arising from the change, such as to compensate for the additional labor and expense? So far as the first is concerned, it will be amply secured by such a modification of the present law as will require the weekly deposits in the month of June. For the second, it is based upon very sound reasoning; and receives something of confirmation, from the fact before mentioned, that during the past year no defalcations have occurred. All revenue laws imply a doubt of the integrity of those intrusted with their administration, for all provide penalties and forfeitures for sins of omission or commission. The question now is, whether those are best which farthest remove the temptations to abuse of public trust, or those which provide the most summary remedy when that trust has been abused. So far as the evidence of the past year is concerned, I am strongly inclined to the more charitable supposition, that the punctuality of the collectors is more to be attributed to the honesty and integrity of the officers themselves, than any other cause. It will be recollected that the law of 1832 provided a very summary mode of reaching a collector, (as well as his securities,) who might be in default, by authorizing the auditor, at the end of thirty days after a defalcation occurred, to issue his warrant to the sheriff of the county, commanding him, within sixty days thereafter, to make and return the money. This enactment was repealed at the session of 1839–'40.

During its existence, but a single defalcation occurred, and that was promptly met upon the issue of the warrant. Immediately after its repeal the defalcations commenced, and before its re-enactment, last winter, they amounted to nearly twenty thousand dollars. To this repeal, of a salutary enactment, in my own opinion, are our defalcations attributable; and I am still inclined to think it amply sufficient to prevent the improper use of public funds, or to promptly restore them when the trust has been abused. From these considerations, I respectfully suggest, whether it is not expedient to so modify the present law as to confine the weekly deposits to the month of June, and thereby avoid the expense it incurs, without impairing the safeguards of the revenue.

The payments upon the public works, during the year, have been made almost exclusively in state bonds, issued under the act of March last. Of these, there has been issued upon the faith and credit of the

State, on the Miami Extension Canal	$122,867 38
Hocking Canal	10,700 00
Muskingum Improvement	5,400 00
Walhonding Canal	185 48
Western Reserve and Maumee Road	300 00
Total	$139,452 86

There has, also, been issued upon the basis of the lands, and appropriated to the respective works, the following amounts:

Miami Extention Canal	$122,602 19	
Wabash and Erie Canal	88,026 00	
		210,628 19
Making a total of		$350,081 05

Of these, there has been redeemed by the sale of,

Miami Extension Canal Lands	$16.064 00	
Wabash and Erie Canal Lands	12,975 00	
		29,039 00
Leaving the amount still outstanding		$321, 42 05

These bonds have been, during the season, at a discount of from thirty to fifty per cent. The interest due on them was promptly paid on the first of November.

The Board of Public Works will give you an accurate statement of the amount now due to contractors on the works of the State; I am informed, unofficially, that it is in the vicinity of eight hundred thousand dollars. The absolute necessity of making some provision for this class of public creditors, as well in justice to them, as to the faith and credit of the State, will commend this subject to your early and serious consideration. Having been, during the season, upon the

line of one of the public works most affected by the inability of the State to meet her engagements, I have witnessed, for myself, an amount of suffering and embarrassment of which I had before formed little or no conception. It has not been, nor is it scarcely possible for it to be, exaggerated. Bound as the State is, by the voluntary pledge of her faith, in the act of March last, not to make further sales of foreign stocks, her authorities will be compelled to look to home resources; and the manner of developing these to the best advantage, is safely reposed in your wisdom and discretion. A further reliance upon the domestic bonds, may be set down among the things that are impracticable. Even if it were otherwise, and the necessities of contractors should force them to their acceptance, is it not an evidence of injustice, and bad faith on the part of the State, to compel them to submit to the heavy sacrifices which they must inevitably make, in order to meet the demands of their daily laborers upon them? If any possible mode can be suggested of realizing money to meet these liabilities, the sacrifice should, in equity, be assumed by the State, and not be forced upon a class of creditors least able to bear it.

The heavy sacrifices that have already been made, on the part of the State of Ohio, to maintain her faith with the holders of her stock, have not given to, and maintained for her, that character and credit to which she is entitled. This, however, does not weaken, in anywise, the obligation; and should not induce to any act by which that faith and credit may be compromised. There is much due to the present holders of our stocks, and by no act should their value be wantonly impaired. Upon our part, we have thus far punctually paid the interest, and have given a guarantee that no further amount of foreign stocks shall be issued or sold. It can hardly be expected, however, that our faith, or our sympathies, should end with this class of our creditors. We have others whose capital has been invested in our improvements—whose labor has constructed our public works; and when we turn to these the helping hand of our own resources, upon such terms as may be deemed just and proper, in order to command them, we are not, surely, to be met, in the face of the fulfilment of all our obligations, and the pledge, which in the present crisis, is deemed most essential to the credit of State stocks, with the imputation of bad faith to our foreign stockholders. From no idle or wicked prejudice should they be injured; upon no false principle of public honor should they claim favoritism to the injury of others.

I shall be pardoned, I trust, for one further suggestion upon this point. It is, that the subject of appropriations for this branch of the public service, and the consideration of ways and means, is always postponed to too late a period in the session of the General Assembly. Hasty action is by no means advisable, yet continued procrastination rather adds to evil, than affords a remedy. For successive years has this most difficult and embarrassing subject been left to the last days of the session; a period most unpropitious to the calm consideration and deliberate action which it requires.

The Wabash and Erie Canal, I am informed, is now completed, and with the opening of navigation in the spring, will be ready for use. The short time, during the past season, that isolated portions of it have been in use, does not afford a fair criterion of the revenues which it will probably yield. There is now in an unfinished state, the Miami Extension, and the Hocking canals. In the former of these, there is a very heavy investment, which is now, and must, until the completion of the work, remain unproductive. It is hard to conceive how, in the present embarrassed condition of the State, it is practicable to finish this work; and yet every consideration of public interest points to that end, if its accomplishment be within the range of possibility. The expenditure upon it, including the domestic bonds, and the liabilities of the State to contractors, is about two and a half millions of dollars. The interest upon this, amounting to one hundred and fifty thousand dollars, must remain a continual draft upon the public funds, without any accruing revenue from the investment to meet it.

The tolls upon the Hocking Canal are much less the present season than was anticipated, This is accounted for upon two grounds: first, that the work is not yet completed to the coal and salt regions, and, secondly, that the present policy of the State in relation to tolls, prevents the free competition of the latter article with New York salt, which must consequently diminish the transportation. I have given this subject some attention, and am satisfied that, in a financial point of view alone, the laws, and the action of the authorities who have the matter in charge, require some change. During the past year, the New York manufacturers have been delivering salt at Cleveland, and other ports in Ohio, on the Lake, at one dollar per barrel. No process of calculation of which I am master, can make this a saving business to them, much less give them a profit. Still it is done;—and no other or better reason can be assigned for it, than a determination, by means of the immense capital they have invested, to break down the western manufactories, and secure a monopoly of the trade. The toll on salt from Cleveland is one cent per mile on one thousand pounds, for the first one hundred miles, and one half cent per mile for the second hundred. This brings it to Carroll, the junction of the Hocking Canal, after which it passes free. By an arrangement between the authorities of this State and New York, a drawback of 25 cents on the barrel is allowed by Ohio, upon all salt that is reshipped from Portsmouth; and the same drawback is allowed by New York on all that is shipped to the same point, or to Columbus. In order to render this latter available, all the salt for the points adjacent to the junction of the Columbus feeder, is shipped to this city, receives the drawback, and goes on to its place of destination.

The toll upon salt on the Hocking Canal, is five mills per mile on one thousand pounds, for the first fifty miles, and two and a half mills for the second fifty; but, by an order of the Board of Public Works, all transportation on this canal is forced to undergo, in name, two shipments—one at its starting point, and another at the junction

with the Ohio canal. The result of all this is, that one thousand pounds of salt passes from Cleveland to Portsmouth for one dollar and fifty cents, which, estimating a barrel to contain 300 pounds, is about 46 cents per barrel. Deduct from this the drawback paid by the State of Ohio, which is *twenty five cents*, and it leaves the toll on a barrel of New York salt from Cleveland to Portsmouth, a distance of 309 miles, 21 cents. The toll upon one thousand pounds of salt from Nelsonville, on the Hocking Canal, to Portsmouth, is eighty five cents seven mills, which, by the same calculation, makes the toll on a barrel of Ohio salt, a distance of 152 miles, about 26 cents, being five cents more than the toll on a barrel of New York salt for double the distance.

Our manufacturers do not seek, nor would it be just to the consumer of the article to give them such advantage, or protection, as would enable them to prevent competition and monopolize the market. There is a medium, however, which will promote the interests of both, as well as advance the policy of the State. We have constructed, at a heavy expense, a canal down the valley of the Hocking, in order to develope its resources, and make them available, as well for purposes of revenue as the benefit of the community. These resources consist almost exclusively of salt and coal; and yet, if the present policy of requiring a nominal reshipment at the junction, thereby cutting off the benefit of distance, and increasing the cost of transportation, be continued, the community will be but little benefitted by the investment, and the State deprived of the revenues which were anticipated when the work was undertaken. The coal, in which the valley abounds, from Nelsonville to Athens, can be had at the mines for about two cents per bushel. Under the present rates of toll and transportation, it yields but a moderate profit when sold in this city at eleven cents. At this price, the advantage and economy of it as an article of fuel, are not sufficient to bring it into use; and I am informed that, at the close of navigation this fall, the quantity on hand by those who deal in the article, did not exceed three thousand bushels, which was held at twelve and a half cents. The canals are amply sufficient to sustain any amount of transportation, whilst the interests of the State and the community are identical in its encouragement. The Ohio salt has already acquired a high reputation in the market. It does not require to be protected; but if the State will withhold the protection, which, by her drawbacks, and consequent low rates of toll, is extended to the productions of other States, our own manufactures will be enabled to enter into full and fair competition; their ability and usefulness will be promoted and extended, and the revenues of the State will undoubtedly be increased.

In a former part of this report I have suggested the propriety of a revision of our revenue laws. In no branch of the public service is such revision and modification of the laws so much required, as in the system by which our public works are controled and regulated.

The Board of Public Works has been annually reduced, until it embraces but three members, whose time and services are almost con-

stantly required upon the various lines they have in charge. The Fund Commissioners have an almost absolute control of the revenues, and have no connection with any of the other departments, or the works from which these revenues are derived. From their number and extent, as well as their connection with the revenues, our public works now constitute the most important branch of the public service, and in their management require continued care and attention. From the examination I have bestowed upon this subject, I am disposed to consider the New York system as the best, in its practical operations, that has been devised; and in this opinion I understand the Board of Public Works to concur. As the New York laws, embracing this system, are all in the Library within your reach, I do not deem it necessary to present its details. The subject is respectfully commended to your consideration.

Much difficulty and litigation has arisen during the year, from the laws regulating turnpike companies, in which the State is a stockholder; but I do not know that legislation will remedy the evil. Among the items of the canal fund, you will find a list of those companies that have, during the year, paid the dividends accruing on the State stock. On the part of several other companies, the laws regulating the toll funds have been entirely disregarded, and they have even refused to report the collections, or the uses to which they have been applied. In others, again, the funds have all been used in the payment of the company debts, and the law which reserves the State's proportion to the interest fund, is set at defiance. Unable to procure full reports of all these transactions, I availed myself of some leisure time, during the investigation of the Little Miami Railroad Company, and inspected the books and condition of most of the roads in the south western part of the State. I found the Ohio Turnpike; the Batavia Turnpike and Miami Bridge Company; the Cincinnati and Hamilton; the Hamilton, Rossville, Darrtown, Oxford and Fairhaven; the Hamilton, Springfield and Carthage; and the Colerain, Oxford and Brookville, all involved in heavy debts and embarrassments. In the first instance, I cannot divest my mind of the impression that there has been gross mismanagement. The debt of the company is thirty eight thousand dollars, and to pay it, there is due on individual subscription five thousand, and from the State seven thousand dollars. The tolls have all been used upon the debts—the gates have been sold and resold—and, finally, the company has executed a deed of trust of the whole work to one of the stockholders. There are 28 miles of the road completed, from the Union Bridge, in Hamilton county, to Bethel, in Clermont county; and the whole concern is little else than a total wreck. In the other cases, the debts of the company are heavy, but they all bear some proportion to the means.

These examinations were made during the month of April, and at that time the amount of toll funds belonging to the State, which had been applied to the payment of debts, was rising twenty one thousand dollars. In the case of one of the companies, (the Batavia Turnpike and Miami Bridge Company,) a suit was pending, on the chancery

side of the Superior Court of Hamilton county, in which the question of recovery on the part of the State could be readily tested. I employed counsel, and raised the point to the Court. In the decree, the right of the State to the funds is admitted; but as the company held drafts of the State for payments of stock, the receiver was directed to apply the tolls belonging to the State to the payment of the company's debts, and credit the same upon the drafts. Another company has since availed itself of this decision, and returned a draft, for dividends, protested; tendering, at the same time, the drafts of the State as an offset. If this rule be generally adopted, and there is now no reason to doubt that such will be the case, it will effectually cut off the largest portion of this branch of revenue, for a majority of the companies reporting dividends are the holders of State drafts.

During the extra session of the General Assembly, in July, a measure of comparative relief to these companies was adopted, in the form of an act authorizing the Auditor of State to take up the State drafts, where they exceeded, in amount, one thousand dollars, and issue "*exchange warrants*" instead, in sums of not less than five hundred dollars. As the officers of several of the companies were in the city at the time, several drafts were taken up, and exchange warrants issued immediately upon the passage of the law, a statement of which will be found in another part of this report. The act, although it passed both branches, unfortunately remained unsigned at the time of the disruption of the General Assembly, and, consequently, failed to become a law.

The inability of the State to meet her engagements has affected the contractors and laborers on the turnpike roads, equally with those upon the other public works. In most instances, the companies have continued to raise means, or create debts, and push their works forward to completion. These debts are daily becoming a heavy incumbrance upon them, and unless relief be early extended, in the payment of the State stock, many of them will be involved in almost ruinous embarrassments. Whether any measures can be adopted, at the present time, to relieve them, as well as the other, and perhaps prior, liabilities of the State, is submitted to your better judgment.

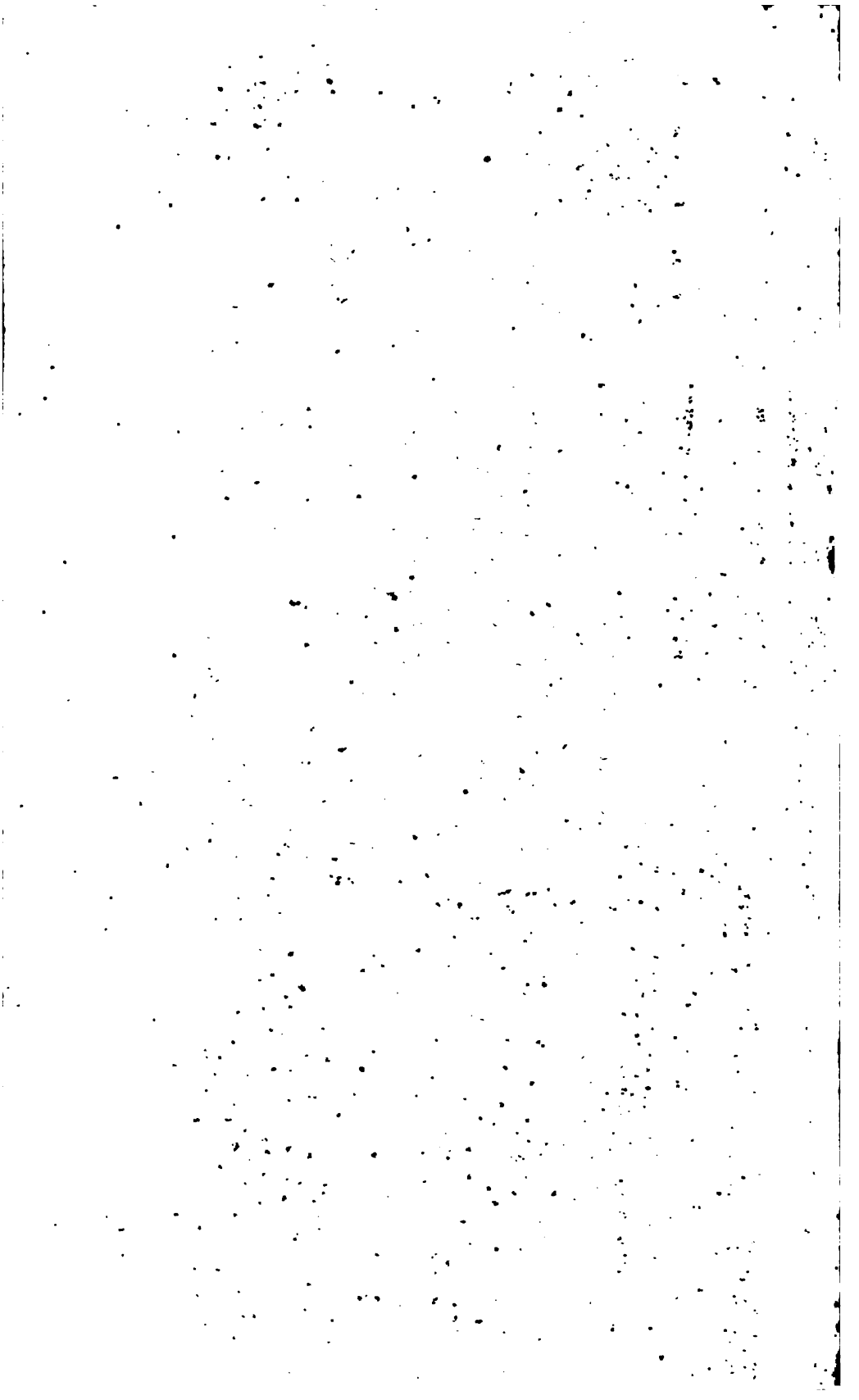
I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN BROUGH,

Auditor of State.



EXHIBITING the total amount of receipts for collectio
paid into the State Treasury by Clapp & Ryerson and D.

Total amount collected at the different offices during the month of November,
Total amount paid into the State treasury for the month of November, 1841
Total amount collected during the month of December, 1841
Total amount paid into the State treasury for the month of December, 1841
Total amount collected during the month of January, 1842
Total amount paid into the State treasury for the month of January, 1842
Total amount collected during the month of February, 1842
Total amount paid into the State treasury for the month of February, 1842
Total amount collected from the 1st of March to 1st of May, 1842, inclusive
Total amount paid into the State treasury from the 1st of March to 1st of May
Total amount collected from the 2d to the 29th May, 1842, inclusive
Total amount paid into the State treasury from the 2d to the 29th May, 1842
Total amount collected from 30th May to 3d July, 1842, inclusive
Total amount paid into the State treasury from 30th May to 3d July, 1842
Total amount collected from the 4th to the 31st July, 1842, inclusive
Total amount paid into the State treasury from the 4th to the 31st July, 1842
Total amount collected from the 1st to the 28th August, 1842, inclusive
Total amount paid into the State treasury from the 1st to the 28th August, 184
Total amount collected from the 29th August to the 2d October 1842, inclusi
Total amount paid into the State treasury from 29th August to 2d October, 184
Total amount collected from the 3d October to the 6th November, 1842, inclu
Total amount paid into the State treasury from 3d October to the 6th November,

Total amount of collections at each office from 1st Nov. 1841 to 6th Nov. 18
Total amount paid into the State treasury from each office

Total amount of contingent expenses of each office
Amount collected, but not paid into the treasury at the close of the year
Amount paid Griffith, Standart & Co. and J. F. West,

ANNUAL REPORT

OF THE

TREASURER OF STATE,

TO THE

FORTY FIRST GENERAL ASSEMBLY.

DECEMBER 7, 1842.

SAMUEL MEDARY, State Printer.

REPORT.

TREASURY OFFICE, OHIO,

COLUMBUS, *December* 7, 1842.

The Treasurer of State, in compliance with the duties assigned him by law, submits to the honorable General Assembly of the State of Ohio, the following statement of the receipts and disbursements of the public moneys, during the year ending November 15, 1842

GENERAL REVENUE.

Balance in the treasury, Nov. 15, 1841		$63,719 13 7
Amount received from county treasurers		217,126 03 9
Amount of taxes paid through Auditor of State's Office		7,475 86 0
Amount received for the redemption of lands forfeited to the State		439 72 2
Amount received from R. Stadden, Esq., Warden of the Ohio Penitentiary		3,000 00 0
Amount received from Griffith Foos, Esq		3 00 0
Amount received from J. Brinkerhoff, Esq., arising from escheats		627 00 0
Total		$292,390 75 8
From which deduct the following amounts, viz:		
Treasury bills redeemed	$202,083 69 0	
Transfers to State Common School Fund	23,404 19 4	
Transfers to Ohio Canal Fund	1,433 07 6	
Transfers to Wabash and Erie Canal Land Fund	489 06 0	
Transfers to Miami Canal Extension Land Fund	453 12 0	
		227,863 14 0
Balance in the treasury		$64,527 61 8

State Common School Fund.

Balance in the treasury, Nov. 15, 1841	$ 206 40 8
Interest on surplus revenue	97,932 79 8
Collection on the grand levy	58,751 36 0
Tax on banks, insurance and bridge companies	17,428 28 0
Interest on moneys arising from sale of salt lands	2,276 93 4
Transfers from general revenue	23,404 19 4
Total	$199,999 97 4
Deduct amount paid county treasurers	196,245 51 5
Balance in the treasury	3,754 45 9

Section Sixteen—Reducible.

Balance in the treasury, Nov. 15, 1841	$ 119 08 1
Transfer from canal fund	81 75 6
Interest on the irreducible funds, up to Jan. 1, 1842,	53,048 49 1
Total	$53,249 32 8
Deduct amount paid county treasurers	53,249 32 8

Virginia Military School Fund—Reducible.

Balance in the treasury, Nov. 15, 1841	$4,051 94 0
Rents of Virginia military school lands	3,978 29 0
Interest on the irreducible fund, up to Jan. 1, 1842,	7,857 25 7
Total	15,887 48 7
Deduct amount paid county treasurers	11,909 19 7
Balance in the treasury	$3,978 29 0

United States Military School Fund—Reducible.

Interest on the irreducible fund, up to Jan. 1, 1842,	$7,137 57 8
Deduct amount paid county treasurers	7,137 57 8

Connecticut Western Reserve School Fund—Reducible.

Interest on the irreducible fund, up to Jan. 1, 1842,	$9,519 54 0
Deduct amount paid county treasurers	8,667 44 1
Balance in the treasury	852 09 9

Section Twenty Nine—Reducible.

Interest on the irreducible fund, up to Jan. 1, 1842,	$ 707 77 1
Deduct amount paid county treasurers,	707 77 1

Ohio University—Reducible.

Interest on the irreducible fund, up to Jan. 1, 1842,	$ 113 84 0
Deduct amount paid A. G. Brown	113 84 0

Literary Fund.

Balance in the treasury, Nov. 15, 1841		$5,529 42 4
Amount received from county treasurers		3,687 88 8
Total		9,217 31 2
Deduct the following amounts, viz:		
Transfer to canal fund	$4,000 00 0	
Paid Chester Mattoon	2,400 60 2	
Paid B. Latham, Treasurer of Deaf and Dumb Asylum	1,886 56 0	
Paid Samuel Medary	920 15 0	
Paid William Dunbar	10 00 0	
		$9,217 31 2

Commercial Hospital and Lunatic Asylum—Cincinnati.

Amount received from county treasurers	$890 70 0
Deduct amount paid treasurer of Hamilton county,	890 70 0

Surplus Revenue.

Balance in the treasury, Nov. 15, 1841	$21,866 02 0

Surplus Revenue interest Fund.

Amount received from Fund Commissioners	$1,886 21 6
" " county treasurers	220 39 1
Total	2,106 60 7
Deduct amount paid county treasurers	1,945 69 0
Balance in the treasury	$160 91 7

National Road.

Balance in the treasury, Nov. 15, 1841		$ 60 29 0
Tolls received from resident engineers		44,656 18 0
Total		41,716 47 0
Deduct amount paid resident engineers		44.656 18 0
Balance in the treasury		60 29 0

Three Per Cent Fund.

Balance in the treasury, Nov. 15, 1841		$195 63 0

Ohio Canal Fund.

Amount received from collectors of tolls on the Ohio and Miami canals		$455,549 29 0
Amount received from county treasurers, being canal revenue		321,961 93 6
Amount arising from turnpike dividends		20,830 62 0
Amount arising from dividends Pennsylvania and Ohio canal		6,300 00 0
Amount arising from sales of canal lands		272 50 0
" " " state lots		4 00 0
" " " section sixteen		32,583 99 1
Amount arising from sales of Virginia military school lands		833 98 5
Amount arising from sales of United States military school lands		58 10 5
Amount arising from sales of salt lands		928 73 0
Amount arising from sales of section twenty nine		2,593 92 1
Amount transferred from literary fund		4.000 00 0
" " " general revenue		1,433 07 6
Total		$847,347 15 4
Deduct the following amounts, viz:		
Paid J. Whitehill, disbursing agent for the payment of contracts and repairs on the Ohio Canal	$136,181 50 0	
Paid J. Whitehill, disbursing agent for the payment of the acting commissioners' unrestricted check on the Ohio Canal	2,000 00 0	
Paid J. Whitehill, disbursing agent for the payment of awards of damages on the Ohio Canal	137 50 0	

Paid J. Whitehill, disbursing agent for the payment of contracts and repairs on the Miami Canal	$15,640 83 0	
Paid J. Whitehill, disbursing agent for the payment of the acting commissioners' unrestricted check on the Miami Canal	1,500 00 0	
Paid J. Whitehill, agent for the payment of interest on school funds,	80,718 31 1	
Paid J. Whitehill, agent for the payment of interest, and appropriated to the payment of expenses of Fund Commissioners	5,000 00 0	
Paid J. Whitehill, agent for the payment of interest on domestic loans,	70,274 58 4	
Paid J. Whitehill, agent for the payment of interest on surplus revenue	4,132 86 6	
Paid A. Kelley, agent for the payment of interest	269,539 60 2	
Paid N. H. Swayne, agent for the payment of interest	215,842 38 5	
Paid G. Swan, agent for the payment of interest	18,263 57 6	
Transfer to canal sinking fund	25,000 00 0	
Draft for turnpike dividends returned for nonpayment	3,090 00 0	
Witness fees paid in the case State vs. Buckley	26 00 0	
		$847,347 15 4

Miami Canal Extension.

Amount received from collectors of tolls		$4,043 03
Deduct the following amounts, viz:		
Over draft of last year	$320 30 5	
Paid N. H. Swayne, agent for the payment of interest,	457 69 5	
Paid J. Whitehill, disbursing agent,	3,182 48 0	
		3,960 48
Balance in the treasury		$82 55

Hocking Canal.

Amount received from collectors of tolls		$3,813 66
Deduct amount paid N. H. Swayne, agent for the payment of interest	$562 32	
Deduct amount paid J. Whitehill, disbursing agent	3,109 89	
		3,672 21
Balance in the treasury		$141 45

Walhonding Canal.

Amount received of J. D. Patten, collector of tolls	$547 55

Wabash and Erie Canal.

Amount received from collectors of tolls		$899 04
Deduct amount paid N. H. Swayne, agent for the payment of interest	$474 80	
Deduct amount paid J. Whitehill, disbursing agent	424 19	
		898 99
Balance in the treasury		05

Muskingum Improvement.

Amount received from collectors of tolls		$15,726 36
Deduct amount paid N. H. Swayne, agent for the payment of interest	$3,083 65	
Deduct amount paid J. Whitehill, disbursing agent	10,774 78	
		13,858 43
Balance in the treasury		$1.867 93

Canal Sinking Fund.

Balance remaining in the treasury, November 15, 1841	$25,000 00
Transferred from Canal Fund	25,000 00
Total	50,000 00
Deduct amount paid Jos. S. Lake	50,000 00

Wabash and Erie Canal Land Fund.

Amount received of James Cunningham, Receiver at Lima		$9,196 61
Amount of transfer from General Revenue		489 06
Amount received of Charles C. P. Hunt, Receiver at Maumee		3,945 29
Total		$13,630 96
Deduct amount paid James Cunningham, Receiver at Lima	$397 58	
Deduct amount paid Charles C. P. Hunt, Receiver at Maumee	91 48	
Deduct amount of Ohio domestic bonds deposited with Auditor of State	13,141 90	
		13,630 96

Miami Canal Extension Land Fund.

Amount received of James Cunningham, Receiver at Lima		$16,278 78
Amount transferred from General Revenue		453 12
Total		$16,731 90
Deduct amount paid James Cunningham, Receiver at Lima	$453 12	
Deduct amount of Ohio domestic bonds, deposited with Auditor of State	16,278 78	
		16,731 90

Interest Fund.

Amount received from Fund Commissioners		$70,274 58 4
Deduct amount paid Bank of Chillicothe	$33,416 24	
" " F. B'k of Columbus	24,019 06	
" " on domestic bonds	4,707 64	
		62,142 94 0
Balance in the treasury		$8,131 64 4

RECAPITULATION.

General Revenue remaining in the treasury	$64,527 61 8
State Common School Fund	3,754 45 9
Virginia Mil'y " "	3,978 29 9
Conn. W. Res. " "	852 09 0
Surplus Revenue	21,866 02 0

Surplus Revenue Interest Fund	$160 91 7
National Road Fund	60 29 0
Three per cent. Fund	195 63 0
Miami Canal Extension	82 55 0
Hocking Canal	141 45 0
Walhonding Canal	547 55 0
Wabash and Erie Canal	05 0
Muskingum Improvement	1,867 93 0
Interest Fund	8,131 64 4
	$106,166 49 7

PUBLIC WORKS.

General Revenue.

Amount received from Fund Commissioners		$440,430 42
Deduct the amounts appropriated as follows, viz:		
Miami Canal Extension	$245,469 57	
Wabash and Erie Canal	101,238 00	
Hocking Canal	10,700 00	
Walhonding Canal	185 48	
Muskingum Improvement	5,400 00	
Milan Canal Company	700 00	
Maumee and Western Reserve Road	300 00	
Bank of Chillicothe	42,922 27	
Franklin Bank of Columbus	28,515 10	
Expenses	5,000 00	
		440,430 42

Wabash and Erie Canal.

Amount received from Fund Commissioners, (loans)	$101,238 00 0
" " (tolls)	424 19 0
Total	$101,662 19 0
Deduct amount disbursed on said work	97,937 04 9
Balance in the treasury	$3,725 14 1

Miami Canal Extension.

Amount received from Fund Commissioners, (loans)	$245,469 57	
Amount received from Fund Commissioners (tolls)	3,182 48	
Total	$248,652 05	
Deduct amount of domestic bonds on hand	1,615 00	
		$247.037 05
Amount disbursed on said work		263,339 57
Amount of over drafts on said work		$16,302 52

Muskingum Improvement.

Balance in the treasury, November 15, 1841	$9,802 51
Amount received from Fund Commissioners, (loans,)	5,400 00
" " " (tolls)	10,774 78
Total	$25,997 39
Amount disbursed on said work	26,199 70
Amount of over draft on said work	$222 31

Ohio Canal.

Am't received from Fund Commissioners, (tolls, &c.)	$138,319 00
Deduct amount disbursed on said work	125,445 34
Balance in the treasury	$12.873 66

Walhonding Canal.

Balance in the treasury, November 15, 1841	$19,091 67
Amount received from Fund Commissioners, (loans)	185 48
Total	$19,277 15
Deduct amount disbursed on said work	13,297 83
Balance in the treasury	$5,979 32

Hocking Canal.

Amount received from Fund Commissioners, (loans,)	$10,700 00
" " " (tolls)	3,109 89
Total	$13,809 89
Amount disbursed on said work	16,115 07
Amount of over drafts	$2,305 18

Miami Canal.

Balance in the treasury, November 15, 1841	$6,666 25
Am't received from Fund Commissioners, (tolls, &c.)	17,140 83
Total	$23,807 08
Amount disbursed on said work	21,600 69
Balance in the treasury	$2,206 39

Warren County Canal.

Balance in the treasury, November 15, 1841	$2,523 31
Amount disbursed on said work	570 00
Balance in the treasury	$1,953 31

Milan Canal Company.

Amount received from Fund Commissioners	$700 00
Deduct amount paid D. Hamilton	700 00

Maumee and Western Reserve Road.

Balance in the treasury, Nov. 15, 1841	$8,923 84 0
Amount received from Fund Commissioners	300 00 0
Total	9.223 84 0
Amount disbursed on said work	11,363 80 0
Amount of over draft	2,139 96 0

Urbana, Troy, and Greenville Road.

Balance in the treasury, Nov. 15, 1841	$257 50 0
Amount disbursed on said work	237 14 0
Balance in the treasury	20 36 0

Turnpike Companies.

Balance in the treasury, November 15, 1841	$32,952 17 0
Amount paid turnpike companies	9,291 39 0
Balance in the treasury	23,660 78 0

Bank of Chillicothe.

Amount received from Fund Commissioners	$42,922 27 0
Deduct amount paid John Woodbridge, Esq., Cashier	42,922 27 0

Franklin Bank of Columbus.

Amount received from Fund Commissioners	$28,515 10 0
Deduct amount paid J. M. Espy, Esq., Cashier	20,885 10 0
Balance in the treasury	7,630 00 0

Expenses.

Balance in the treasury, Nov. 15, 1841	$1,593 13 5
Amount received from Fund Commissioners	5,000 00 0
Total	6,593 13 5
Deduct amount paid for expenses	4,697 08 0
Balance in the treasury	1,896 05 5

RECAPITULATION—PUBLIC WORKS.

Amounts remaining in the treasury, Nov. 15, 1842, viz:	
Wabash and Erie Canal	$3,725 14 1
Ohio Canal	12,873 66 0
Walhonding Canal	5,979 32 0
Miami Canal	2,206 39 0
Warren County Canal	1,953 31 0

Urbana, Troy, and Greenville		$20 36 0
Frank'in Bank of Columbus		7,630 00 0
Turnpike companies		23,660 78 0
Expenses		1,896 05 5
Total		59,945 01 6
From which deduct amount of over drafts on said works, viz:		
Miami Canal Extension	$16,309 52	
Muskingum Improvement	222 31	
Hocking Canal	2,305 18	
Maumee and Western Reserve road	2,139 96	
		20 969 97 0
Balance		38 975 04 6

Respectfully submitted,
JOS. WHITEHILL,
Treasurer of State.

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